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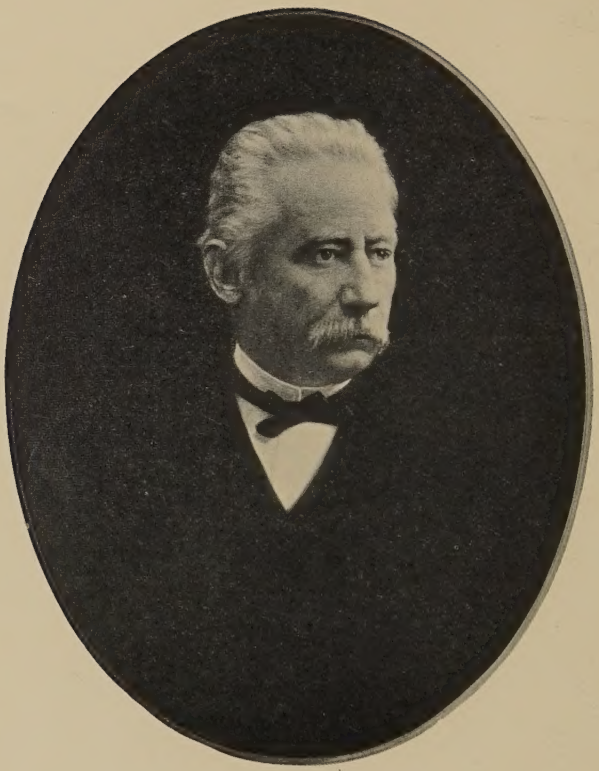


George A. Marye

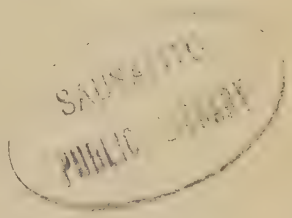
From '49 to '83
In California and Nevada

CHAPTERS FROM THE LIFE OF
GEORGE THOMAS MARYE
A PIONEER OF '49

By

GEORGE THOMAS MARYE, Jr.

SECOND EDITION
WITH COMPLETE INDEX



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DEDICATION

THESE CHAPTERS
OF EARLY CALIFORNIA LIFE
ARE RESPECTFULLY AND AFFECTIONATELY
DEDICATED TO THE
SOCIETY OF CALIFORNIA PIONEERS
WHOSE MEMBERS SHARED IN ALL THE
HARDSHIPS AND ACHIEVEMENTS
OF THOSE EARLY DAYS

Foreword

THE following chapters which are now republished from various numbers of the OVERLAND MONTHLY issued during the years from 1914 to 1918 do not give a comprehensive or even a connected history of Marye's life in California, there are gaps in time and no attempt is made at successive narrative. Soon after his death in 1883 several biographical sketches were published which, notwithstanding the brevity of their narrative, gave the main facts and some of the salient incidents of his career. It is not believed that they had any wide circulation outside of San Francisco and Nevada, and it is probable that most of the remaining copies were all destroyed in the great fire of 1906. The following chapters are not intended to take their place for they leave entirely untouched many

matters mentioned in the earlier sketches, and on the other hand they give a fuller account of the incidents which they do relate and so make some contribution to the history of a highly interesting period.

The early settlement of California, the men who settled it, the environment and the conditions in which they lived and performed their work will ever have an enduring interest for Californians and for many to whom it has not been given to dwell in that favored land; and the following chapters in the life of one who was active in that work and which throw an occasional vivid sidelight on the toil and adventures of the early times may share that interest.

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CHAPTER I

The Journey to California in 1849

IT IS probably easier today to reach almost any part of the earth's surface, except the north and south poles and perhaps some places in the heart of Africa, than it was to get to California when Marye started on his journey there early in the spring of 1849. The usual course of travel for those dwelling near the Atlantic seaboard was to make their way to the nearest or most convenient port, take ship to the Isthmus of Panama, make their way across the Isthmus by such means as they might find or be able to improvise, and then set sail again on the waters of the Pacific from the Isthmus to San Francisco. The Pacific Mail Steamship Company had already established a line of steamers between New York and

Aspinwall or Greytown, now called Colon, on the Atlantic side of the Isthmus, which gave a reasonably regular service between those points, but beyond Aspinwall all was uncertainty and confusion. There was no railroad across the Isthmus in those days and the hardships and difficulties which had to be endured and overcome by the pioneers of '49 in making their way from Aspinwall to Panama were not unlike those which in our time confronted the hardy gold seekers of Alaska on their perilous passage over the mountain passes from Skagway to the headwaters of the Yukon river. The only difference was that in the former instance the difficulties were aggravated by exposure to the dangers of the tropics, miasma, fever and torrid heat; and in the other they were encountered in the frozen north and were rendered still more formidable by the icy blasts and numbing cold of an Arctic winter.

Under the old Spanish government a very

good road had been built across the Isthmus from ocean to ocean, and as long as Spanish authority lasted it was kept in pretty good repair; but after the independent government was established it had been neglected, and in 1849 had fallen into a dilapidated condition throughout its length and in many places was altogether impassable. The distance across the Isthmus in a direct line is some thirty-five miles, but the road, like the railway and the canal at the present day, pursued a more devious course and was about fifty miles long from Aspinwall to Panama.

From his home in Baltimore Marye went to New York to take passage on one of the steamers of the Pacific Mail for Aspinwall. The trip to New York was of course made by rail, but railroad traveling was then in its most primitive stage and had few of the comforts and none of the luxuries it offers now. It was not so long since the first railroad tracks had been torn up,

and the first telegraph wires cut, in outbursts of popular disfavor; for the country was only just emerging from the period when all physical progress and innovation were bitterly opposed, and even the iron plough, in many localities, was still viewed with dislike in the belief that it was poisonous to the soil. The discovery of gold in California was attended with incalculable consequences, and among the number it may be safely thanked not only for quickening all the activities of our commercial life, but also for creating a general desire for material improvement of every kind, though we were still to witness the destruction of the first sewing machines in a brief return of the old feeling. The voyage from New York was made on one of the steamers of the Pacific Mail; and of those vessels it may be said that they bore scarcely more resemblance to the *Lusitania* and the *Mauretania* of to-day than the caravels of Columbus bore to them. But whatever the

inconveniences of the sea voyage it was not until reaching Aspinwall that any serious difficulties were usually encountered. And if it were then found that the adventurous spirit of the pioneers had led them into the presence of many difficulties, they were for the most part exceptional men and endowed by nature with the qualities of body and mind to overcome them. Marye possessed his full share of those qualities, and he used to say in after years that the difficulties of the trip from Aspinwall to Panama were forgotten as soon as they were over, but that he never would forget the anxiety and distress of mind suffered at Panama while waiting to obtain passage to San Francisco.

After landing at Aspinwall the necessity of relying upon one's own powers of self-help in order to make further progress became at once obvious. Marye had with him two younger brothers, Simon Bolivar Marye and Willis Young Marye, and a young nephew, Henry

Seibert, all of whom he was taking to California in the expectation that among the many opportunities offered by that new and wonderful country they would be able to find their way to fortune. It may be mentioned in this place that he was disapointed in that expectation, though there is little doubt that he had his reward in the gratification of the desire which was such a marked trait in his character to do for others and to have them lean upon him, a trait not altogether rare in very strong characters. The elder of the two brothers, Simon B. Marye, after practicing law in San Francisco for a time, became one of the early judges of that county and at the expiration of his term of office went to Portland, Oregon. The younger brother went early to the mines; he mined in various places in California for a number of years and then returned to Virginia without having had much success. The nephew made but a short stay in California and soon returned east. But if Marye

was disappointed later in what he had hoped to accomplish for his young relatives, he had no occasion at this time to regret having brought them with him. He needed companions on the trip across the Isthmus, and they were all hardy young fellows brought up in the country in the Valley of Virginia and, if not as adventurous in spirit, they were as strong in body and possessed of as great physical endurance as he was himself.

He had been very careful in Baltimore in selecting his outfit for the trip and had brought only light baggage with him, having sent the heavier and more bulky part with the goods he was forwarding around the Horn by sailing vessel to San Francisco. He did not, therefore, need any wheeled vehicle for transportation purposes, which was doubly fortunate, as he probably could not have procured a suitable one in Aspinwall, and he certainly could not have got it over the mountains if he had. He bought two

burros or pack-mules and engaged the services of two natives to look after them and also to act as guides. They were to serve as cooks as well, but after one experience of their abilities in that line the members of the party thought that they would rather trust to their own very crude accomplishments in the culinary art. With one more purchase, that of a pocket compass, which singular to relate Marye had neglected to bring with him and which was luckily offered him in Aspinwall, the party was ready for the road. The distance they had before them in a bee-line was, as has already been remarked, something like thirty-five miles, and it is probable that even with all their windings they did not cover more than seventy-five miles, but it was slow, hard and exhausting work and took them several days. Whenever they were compelled to leave the old road their way for the most part ran along the sides of, and across streams and ravines, through tropic forest and undergrowth

and over what seemed like untrodden ground. The heat was almost unendurable, and they used to say that though they had taken with them no superabundance of clothing they felt that they could have dispensed with even what they had, except the stout, heavy soled, long boots coming well up the leg, which they had at first regarded as rather unfit for tropic wear. But this substantial foot-gear gave needed protection not only against the prickly vegetation with which their path was frequently beset, but also against the bites of reptiles which had to be reckoned with in pressing their way through the dense undergrowth. At last, after their long tramp, weary and footsore but without serious mishap and in good health and spirits they arrived in Panama where the serious troubles of the trip for Marye were to have their beginning.

Before leaving New York, indeed before leaving Baltimore, he had made arrangements with the Pacific Mail Steamship Company for trans-

portation for himself and party, not only from New York to Aspinwall, but also from Panama to San Francisco. In setting the dates of his departure from New York, of his arrival in Aspinwall, and of his reaching Panama, he had been extremely careful to give himself an abundance of time in the last named city before the sailing of his ship for San Francisco, because when he made up his mind to go to California he had closed out his interests in Baltimore and invested the bulk of the proceeds in the purchase of such articles as he thought would have ready and profitable sale in the new country and had shipped them around the Horn in a sailing vessel to San Francisco. He had not consigned them to any one there because he did not know any one and he expected to be there to receive them himself.

When he arrived in Panama he was well ahead of the time of the sailing of his ship, and he and his party prepared to make themselves as

comfortable as they could for what they expected to be their brief stay. They used for the first time a small tent which they had brought with them and which they pitched in the outskirts of the town, after receiving and paying for the permission of the local authorities to do so. Marye then tried to sell his pack mules for which he had paid a rather exorbitant price, which he had expected when he made the purchase to considerably reduce by selling them again in Panama. But if there was any demand for pack animals for the return trip, it always became conspicuous by its absence when he tried to make a trade and at last he was glad to sell them for anything to rid himself of their care and keep.

As soon as he got to Panama he went at once to the local representatives of the Steamship Company to inquire about the sailing of his ship. He was informed that it was scheduled to leave on or about the day they had told him in New

York and that he should hold himself in readiness to go at that time. When the day came he was all ready but no ship arrived; and it was the same the next day, and the next, and for many days after. It seems that the steamer on which he had engaged passage had been bought by the Company in New York to ply between San Francisco and Panama and had been dispatched for that purpose around the Horn with instructions to touch at Panama and take on board such passengers as she yet had room for and to whom tickets had been sold in New York. Owing to a variety of causes this vessel was detained in South American ports until long after she was due in Panama. But Marye knew nothing about the delay, or its causes, or of the whereabouts of the vessel, nor did the officials of the Company at Panama or even in New York, for there was no telegraph to South America or to Panama in those days and word could only be brought by an occasional steamer or slow-going sailing vessel.

Marye was not at first rendered particularly anxious by the failure of his ship to come in, because in addition to the expectation that she might arrive at any time, he felt quite confident that he would be able to secure some sort of accommodation for himself at least on the Company's next boat leaving for San Francisco. He was not encouraged in that belief by the officers of the Company, for the town was full of people waiting for passage; but still he thought he might be able to arrange it. In that condition of expectancy time wore on, and finally a boat of the Company's came in from San Francisco to return there at once after discharging and taking on her new cargo and company of passengers. Marye made vigorous efforts to secure passage on that vessel, but his attempts were in vain. Every place was taken and every passenger seemed as anxious to get to San Francisco as he was. He had the great disappointment of seeing the ship leave without him. But even then he did

not feel greatly alarmed. He still thought that the steamer on which he had his passage engaged might come in at any time and he knew that if he had to wait for the Company's next steamer returning to San Francisco from Panama, it would still be in ample time to land him there before the arrival of his goods. It was, of course, a very disquieting thought that if by any chance they should reach there before he did they would be landed and sold on the wharf for freight charges, in the absence of any owner or consignee to claim them. But he comforted himself with the reflection that there was still plenty of time and he tried to think as little as possible of the uncertainties attending his means of passage. He sought, too, to make himself at least physically more comfortable by taking up his abode with Don Antonio Vidal, a physician of Panama, in whose house he was fortunate enough to find many comforts to which he had for quite a time been a stranger and where he began the study

of Spanish, in which he afterwards became quite proficient in California.

If the days seemed long before the arrival of the next boat, they did at length come to an end and Marye renewed his efforts to obtain a passage. He tried the local officers of the Company, the purser of the ship and the passengers. The officers had but one answer that everything was taken and there was not an inch of space left; and the passengers were all fiercely intent on reaching the gold fields of California. Again he had the bitter disappointment of seeing the ship go without him. And now he was seriously alarmed. Ruin stared him in the face at the very outset of his career in California. He would have taken passage on any kind of craft bound for San Francisco, but there was none, and he knew too that there was no likelihood of any sailing vessel leaving Panama at that time getting to San Francisco before the ship with his goods. He had to wait, and waiting under such circum-

stances to a man of his energetic temperament was a most severe trial. But there was no help for it, and fortunately he was of those whose spirit rises with the difficulties confronting them. He passed the long days wondering what he could do now to secure passage on the next boat that he had left undone on the two former occasions. He had given up all hope of his own ship coming in, but there was always the chance that on the next steamer returning to San Francisco some passenger might drop out or be willing to sell his passage.

When the next steamer came in he was prepared to renew the struggle for a passage with unabated energy. His experience, however, with the Company's officers and with the purser of the ship was the same as before, they could do nothing for him, there was not a place on the ship; but he had not exhausted his efforts among the passengers, indeed, he had scarcely begun them, when his attention was drawn to the fact

that the vessel was under the command of Captain David C. Baily, and that accidental fact, he had reason to believe, would prove of deep significance to him.

While at his home in Baltimore he had had many conversations about going to California with Lieut. William Lewis Herndon of the U. S. Navy, who was stationed in Washington at that time and who made frequent visits to Baltimore. The two men were both from Virginia, their families had been long acquainted at Fredericksburg, and they became fast friends. Herndon, as every one knows, took service not long afterwards with the Pacific Mail Steamship Company and was in command of one of its vessels, the *Central America*, when she was wrecked in 1857, and he went down with his ship. His distinguished gallantry on that occasion excited the admiration of the world, and his conduct was so heroic and furnished such a conspicuous example of the highest virtues of a commander, that his

brother officers of the Navy have erected a monument to his memory at Annapolis, a monument which will serve not only to perpetuate his fame but to inspire to similar deeds many generations of young cadets at that celebrated school of American patriotism. It is not without interest to add that two years after his death his daughter married at Fredericksburg a young New Yorker who subsequently became president of the United States, Chester A. Arthur.

Before Marye started on his journey Herndon said to him, "I want to give you a letter to a close friend of mine, Capt. David C. Baily, in the service of the Pacific Mail, on the station between Panama and San Francisco. It is not likely you will meet him going out; but it will be pleasant for him to know you in San Francisco, as he does not know many people there, and it will be pleasant for you too, for he is a good fellow and you will like him."

Marye took the letter and had it with him in

Panama. He had had little idea when he received it how useful it might prove; but with it he now went to Capt. Baily and explained to him how anxious he was to get to San Francisco and the unsuccessful efforts he had made to obtain passage on the Captain's boat.

Capt. Baily said, "Well, Mr. Marye, what the officers of the Company and the purser have told you is literally true, the ship is crowded to the gunwales and there is no room anywhere. But the Captain has his quarters and as Herndon's friend I invite you to share them with me." Marye's feelings of relief were as deep-seated as they were instantaneous and he was enabled to turn at once from the gloomiest misgivings to the confident hope of a successful beginning in his new field of endeavor. And that expectation was realized. He sailed triumphantly on the good ship *Panama* with three hundred and twenty-five other passengers, of whom it may be observed as illustrative of the early settle-

ment of California that all but two were men, and arrived in San Francisco in time to receive his goods and turn them to profitable account.

"All's well that ends well" is a Shakespearean adage, but Marye never forgot his stay in Panama.

CHAPTER II

The Pioneer Life of San Francisco

THE changes by land and sea wrought by the hand of man in the physical features of the site of San Francisco have been truly amazing, but the most striking and the most complete are those which have taken place on and beyond the shore line of the city front along the bay. On land, hills have been lowered and removed, or set back from the waters' edge, hollows and depressions have been filled in and leveled, streams have been turned from their courses or obliterated with the minor inlets into which they flowed, but along the city front from historic Telegraph Hill to the bold outline of Cerro del Rincon, or Rincon Hill, the original shore line has entirely disappeared, and beyond it dry land

has arisen where formerly the waters of the bay ebbed and flowed with the great tides of the ocean.

Those tremendous topographcial changes were not entirely optional with the early settlers. The choice of the site was not fortuitous; it was deliberate and made with good and sufficient reason, but the place thus selected had its drawbacks, and they were not a few nor inconsiderable. Many persons may have thought that there were other places around the bay quite as suitable, or even more suitable, for the town than where it was put, but the spot was chosen because ships found the part of the bay directly in front of it the most accessible, convenient and sheltered place to anchor in order to land their passengers and to discharge their freight. Don Juan Robinson who, like Thomas O. Larkin and William D. M. Howard, was one of the very early Americans to settle in Yerba Buena or San Francisco, and who is mentioned in an amusing,

though not in a very dignified way in Dana's "Two Years Before the Mast," used to say in later life that as he was the local representative and agent of the Pacific Mail when the company first began to send its steamers to San Francisco he could have dispatched the ships to any point around the bay that he thought best, and the town would have grown up in that immediate neighborhood. But he wisely never attempted to send them anywhere but to the sheltered cove between Telegraph Hill and Rincon Hill near the Golden Gate, and it is safe to say that, if the attempt to send them elsewhere had been made the company would have lost no time in signifying its unwillingness to add anything to the length of the voyage of its ships or to the expense of their discharge. And even if the countermanding orders of the company had been somewhat delayed the protesting voice of the passengers on the ships would have been instant, vigorous and effective. They had taken passage for San Fran-

cisco, and not for some point on the Bay of San Francisco, and any one who recalls the really fierce eagerness of the early comers to get ashore and be off to the mines will have no difficulty in believing that if any attempt had been made to travel then around the bay instead of making the nearest and most convenient landing there would have been turmoil on board ship.

The situation of San Francisco in the Coast Range by the Golden Gate, where it breaks through and unites the broad Pacific with the great inland bay is picturesque and beautiful, but it did not offer at the outset much level ground for the business districts of a great metropolitan city. On all sides were hills and hill tops admirably adapted for residences, but not well suited or convenient for business purposes. The only level space was between Telegraph and Rincon Hills on the north and south, and the shore line of the bay and California street hill on the east and west. There was

another reasonably level space between Telegraph Hill and Russian Hill extending out to North Beach, but it was somewhat remote, according to the ideas of those days, and some gentle climbing had to be done to reach it. The level space available for business was increased later, though still at an early period, by the grading and opening of Market street and the opening up of the rather limited stretches of level ground to the north of that great thoroughfare, and the more extensive ones to the south and southeast of it. San Francisco was thus given all the level space it needed, but the pioneers had to make it for themselves with the assistance of the steam paddy. It could not be expected that nature would provide it among the crests of a mountain range. Geologists have sometimes told us that the islands of the Ægean sea between Greece and Asia Minor are mountains up to their knees in water, that at some remote geological era the solid crust of the earth

of what was a great mountainous region like the Switzerland of our day subsided and sunk down below the level of the sea, and that the waters submerged the region and surrounded the mountains, leaving of them above water only what is now the islands. In the same way, there is geological evidence for the belief that the Coast Range of California countless eons ago sunk down in the region of the Golden Gate together with the adjacent lower ground to the east, the waters of the ocean came in through the gap in the mountains which we now know as the Golden Gate, covered the low-lying sunken ground and made the bay of San Francisco, leaving only uncovered here and there an island, like Alcatraz and Yerba Buena islands, to show where the land had been.

One of the first, if not the first, great problem that the pioneers had to meet was how to make the harbor convenient as well as secure, for the shipping coming to the port. Vessels after pass-

ing through the Golden Gate turned south past Telegraph Hill, and found secure and sheltered anchorage off the town front, but they were obliged to anchor at some distance from the shore, as the mud flats along the shore line of the cove between Telegraph Hill and Rincon Hill extended out and made the water too shallow for the nearer approach of sea going craft. The disposition to extend the area available for business and the desire to provide accommodations for the shipping in the harbor led to prompt encroachments on the flats, and the two projects became closely associated. The difficulties in the way of those enterprises were not altogether physical though the physical difficulties were great. Material was scarce and labor was even scarcer and they were both dear. There was little capital or accumulated wealth in the community and even later during the first ten or twelve years of the city's life a man worth fifty thousand dollars had few peers as a moneyed man in San Fran-

cisco. The amount of coined money or of any kind of legal currency was extremely limited, although after the discovery of gold by Marshall gold dust was used as currency, and at a great public meeting held in San Francisco on the 9th of September, 1848, local authority was given for its use in a resolution to the effect that it should pass as currency, and it was determined at the same time that sixteen dollars an ounce was a fair value for the gold dust and that it should be taken at that rate in all business transactions until the United States government could establish a mint in San Francisco, which, even at that early date, was urgently solicited. But the difficulties arising from the scarcity of material, of labor and of capital were not the only ones, the main difficulty in the way of wharf buildings was to secure a title which would give the builder a reasonable assurance that he would be able to retain possession of his wharf after he had built it. Under the colonization

laws of Spain and Mexico the alcade of a properly constituted pueblo had authority to sell town lots under certain conditions to actual settlers within the surveyed limits of the pueblo, and the alcaldes of the pueblo of San Francisco exercised that power, but they had no right to sell lots beyond the shore line, and the alcaldes of San Francisco were specifically prohibited by the Mexican governor, Figueroa, from selling town lots within two hundred varas, about a hundred and eighty-five yards, from the bay shore. But General Kearney, the American military governor of California, revoked the order of Figueroa, and in 1847 gave authority to the corporate officials of San Francisco to sell the beach and water lots on the east side of the town between the points known as the Rincon and Fort Montgomery in the manner and on the conditions prescribed in the decree. The sale of beach and water lots under General Kearney's decree of conveyance to the corporate body of San Francisco took

place the 20th of July, 1848, and was the most important local occurence in the history of the town down to that time. The notice of the sale published by Edwin Bryant, who was alcalde at that time when there was nothing in the outward appearance of San Francisco to mark it as the future seat of a great metropolis, contains these memorable and prophetic words "The site of the town of San Francisco is known to all navigators and mercantile men acquainted with the subject, to be the most commanding commercial position on the entire coast of the Pacific ocean, and the town itself is, no doubt, destined to become the commercial emporium of the Western side of the American continent." Bryant's memory in San Francisco is perpetuated by the street which bears his name, but few people probably in the city today know that the street was named after the prophetic seer of the city's greatness.

The sale of the beach and water lots was fol-

lowed by increased activity in the effort to provide accommodation for the shipping in the harbor. Quite extensive warehouses for those times were built on some of the lots, and construction was begun on two wharves in 1848, though not much progress was made until the following year. But by October, 1850, there were twelve wharves along the water front. One of them was built by an association, but the others were built by individuals who were willing to take the risk of an insecure title for the sake of large immediate returns. Marye had acquired title to the lots at the foot of Sacramento street, and exercising the right of the owner of land bordering on navigable waters to provide accommodation for shipping, he built the Sacramanto street wharf from his property, eight hundred feet out into the bay. The piles and the lumber for the wharf were brought from the Columbia river, and Marye laid in a larger supply than he needed, for when the wharf was finished he had

some lumber and material left over, and he loaded it all on a schooner and sent it up to Stockton, where, on Mormon Slough, he built the first wharf of that city.

After he had built the Sacramento street wharf, he sold a half interest in it to Dr. Charles M. Hitchcock, of the Medical Department of the United States army, who had resigned from the service to settle permanently in San Francisco. The Sacramento street wharf proved a very profitable piece of property, the monthly returns reaching thirty-six hundred dollars, and in the autumn of 1852 Marye and Hitchcock and the owners of the Clay street wharf, the next on the north, petitioned the Common Council of the city to dedicate the space between the two wharves to the public use as a free public dock for ships. On the 4th of November, 1852, the Common Council did pass an ordinance to the effect that the space of land and water between Clay and Sacramento streets and Davis

street and deep water should be, and thereby was so dedicated, but the ordinance also contained a proviso that nothing therein should prevent, or impair in any way, the power of the Common Council to annul the grant or dedication made by it. That left the situation much as it was before.

The city's title to all the spaces between the wharves on the water front including the City Slip property between the Clay and Sacramento streets wharves, was established by the act of the State Legislature approved March 26th, 1851, and not much more than a year after the passage of the ordinance of November 4, 1852, the Common Council passed another ordinance on the 5th of December, 1853, providing for the sale of the City Slip property dedicated by the earlier ordinance to public use, and that ordinance of December 5, 1853, vied with the Peter Smith sales as the most fruitful source of litigation in San Francisco's history.

The validity of the ordinance authorizing the sale was questioned at the time of its passage because, it was said, it did not receive the requisite number of votes in the Board of Assistant Aldermen, and Marye was disposed to bring suit to enjoin the sale on that ground. But his partner, Dr. Hitchcock, did not think it worth while to spend money in litigation which at best could only mean the postponement of the sale.

Marye pointed out that the income from the wharf would more than pay the expenses of the litigation, but no suit was brought, and after the ordinance had received the approval of the Mayor, C. K. Garrison, the sale took place. It was conducted by Selover & Sinton, the leading real estate auctioneers of that time, and was a geart success, the lots selling readily and bringing high prices. The sale, of course, sealed the doom of the wharf property on both sides of the slip, as the purchasers began at once to fill in

their lots, or in most instances to pile them, for building. All the first houses built out into the bay over the flats were of wood, and it is a curious fact that in the space thus built over between the original shore line and the deep water of the bay, the tides ebbed and flowed under most of the streets and houses until the sea wall was built by the Harbor Commissioners in the 80's, from a point south of Market street to North Beach along the line of the city front as finally and permanently established by the State Legislature.

Some time after the sale of the City Slip property, the purchasers became dissatisfied with their purchases. They found that they could not get an income from the property they had acquired commensurate with the prices they had paid, and they were well pleased when in the early months of 1855 they were advised by John B. Felton, who was then at the beginning of the illustrious career which made him afterwards

one of the greatest lawyers of California and of the entire country, that the sales could be annulled and the money paid to the city recovered back. Felton raised the point which Marye had wanted to make the ground of his injunction suit, and the litigation instituted by him on behalf of the purchasers was successful in a long line of decisions which did not always seem to be consistent with one another, but which were unanimous in holding that the vote of the Board of Assistant Aldermen was not sufficient to support the ordinance authorizing the sale.

If Marye had brought his injunction suit he would have saved the city a good deal of money, but he would not have saved his wharf property, for the lots thrown back on the hands of the city, owing to the irregularity of the ordinance of sale were, by a subsequent ordinance regularly passed, ordered sold again with other property, and at that later sale, Marye became the largest purchaser, and William Sharon, who was after-

wards so successful on the Comstock, and who through his success in Nevada became so prominent in San Francisco, was the second largest.

CHAPTER III

The Sale of the City Hall Lots

The sale of the City Hall lots, as they were called, by the city and county of San Francisco to private owners, in August, 1871, was a municipal event of first importance and attracted wide-spread attention. The old City Hall on Kearny street, opposite Portsmouth square, which was originally the Jenny Lind theatre, had, at an early period, been bought by the City and remodeled for municipal purposes and had for a number of years furnished reasonably adequate accommodation for the various branches of the municipal government. But the needs of the city had quite outgrown the somewhat primitive housing of pioneer days and there was a general feeling that San Francisco, which had

become a great metropolis, ought to have a municipal building in keeping with its increased and ever-increasing importance.

In response to that feeling, an act of the state legislature was approved on April 4, 1870, "to provide for the erection of a City Hall in the City and County of San Francisco," and the site selected for the new building was the old Yerba Buena cemetery ground out Market street, which had been converted into a park. The building contemplated by the act of the legislature was perhaps not of a very imposing character, as the act provided that it should not cost more than $1,500,000, but it grew in importance and in cost as the work of construction proceeded and finally, though the total outlay was greatly in excess of what had been intended or expected, the city obtained one of the most beautiful, if not the most beautiful municipal building in our country in everything save the material of the outside walls. The extreme purity and elegance

of its lines will ever be recalled with pride by San Franciscans, and those among us whether to the manor born or temporary sojourners in the city who had full opportunity to appreciate its beauties, and especially those who saw it by moonlight when the enchantress revealed the graceful outlines of its wide-spread proportions without disclosing the material of its walls, will retain an impression of architectural beauty that will never fade.

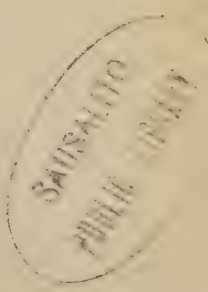
The structure was of a more massive character and the walls were heavier than is usual at the present time, but the strong foundations and the thick walls were so solidly built that there was not a crack of any kind in the entire edifice at the time of the fire in 1906 by which it was partially consumed.

What the fire spared our city fathers destroyed. The instrument of destruction which they employed, fittingly named in that instance the donkey engine, was unable to do what was

expected of it and the wreckers had to use dynamite to overthrow the solid walls that they could not tear down. And so one of the greatest triumphs of architecture of recent times was lost to San Francisco and to the world.

But it is not the present purpose to tell of the building of the City Hall, of its rare beauty or of its vandal and wasteful destruction, but rather to give some account of the sale of the so-called City Hall lots, from the proceeds of which it was expected to defray the greater part of the cost of the building and also to give some account of the legal measures which were taken before the sale to insure a satisfactory title to the purchasers.

After the passage of the act authorizing the sale the city and county surveyor made a map of the old cemetery grounds which had been converted into a park and that map was recorded in the office of the city and county recorder and became the official designation and description



of the property. It showed a space of some five acres reserved for the site of the city hall and two streets, one eighty feet wide called Park Avenue running parallel to Market street from McAllister to Larkin street, and another two hundred feet wide called City Hall Avenue at right angles to Market street, and connecting it with Park Avenue. The names of those two streets were afterwards changed, Park Avenue becoming City Hall Avenue and the original City Hall Avenue after the Lick statuary had been placed there taking the name of Marshall Square, in honor of the discoverer of gold in California, a name still retained by that part of it which remains after the re-arrangement of the streets of the neighborhood for the Civic Center. The map divided the area to be sold into ninety-nine lots, all of which fronted on Market street or on the then Park Avenue. The conditions of the sale were set out in the Act and it provided, among other things, that the sale should be by

public auction. The well known firm of John Middleton & Son were selected as auctioneers, and if persistent advocacy of the sale of the park property to meet the greater part of the expense of the new building, and the steady and vigorous effort to carry through the legislature the act authorizing the sale could create a claim, they were entitled to the selection. For the elder Middleton had been as active in behalf of the measure as he was afterwards in his support of the bill to authorize the second street cut through Rincon Hill.

The sale was extensively advertised and as has been said, attracted a great deal of attention. Many persons, of whom Marye was one, thought it furnished an exceptional opportunity to acquire property on Market street which was already recognized as the main thoroughfare of the city and as having a future of unlimited development.

As Marye was satisfied about the present and

prospective value of the property and contemplated becoming a purchaser at the sale he turned his attention to the nature of the title which the city would be able to transfer to the purchasers. His opportunities of obtaining information on that subject and also of suggesting, from the standpoint of a business man, what ought to be done to meet the requirements of intending purchasers were particularly good, for William H. Patterson, one of the lawyers whose services had been retained by the city, had been his lawyer for a number of years in much important litigation, including his several suits against the Austin E. Smith estate. He had several conferences with Patterson and John B. Felton, who was of the legal staff of the commissioners, and they declared that they were entirely clear, that the commissioners had full and sufficient powers under the law to sell the property and convey a good title to the purchasers. Marye said he did not doubt the sound-

ness of their legal opinion, but he insisted that if the commission wanted to have a successful sale and realize the best prices obtainable it would be highly expedient to have their power affirmed by the courts before the sale took place. He recalled his own experience at the sale of the City Slip property in 1854, at which he had been the largest purchaser, and where the sale had subsequently been set aside on the ground that those who had undertaken to make it had not had the lawful power. He recognized the wide difference between the circumstances attending that sale and those of the approaching one but, he said a buyer of state or city property would feel more secure if the question of power had been affirmatively adjudicated by a court of competent jurisdiction before the sale. Patterson and Felton took the same view and expressed the opinion that if the question were decided by the supreme court the decision would become a part of the contract with the purchasers and

furnish them with every assurance of the sufficiency of their title. They added, however, that the business expediency of bringing such a suit or suits was a matter for the city authorities and the commission and that they would submit it to them.

The members of the board of commissioners were P. H. Canavan, a popular merchant, afterwards supervisor; Charles E. McLane, whose brother Louis was later president for a time of the Nevada bank when it was first organized by James Clair Flood and his associates in great and successful mining enterprises on the Comstock Lode, and Joseph G. Eastland, who was for a long time secretary of the gas company when Peter Donahue was its president.

When the matter was submitted to them and the city officials they heartily approved the suggestion to have all questions affecting the title authoratively determined before the sale took place. For that purpose it was decided to bring

two suits, one in the name of the City and the other in the name of a citizen and taxpayer of San Francisco. In the latter it was proposed that Marye should be the plaintiff, but it was pointed out that as he had recently gone to Virginia City and established himself in business there and had become a voter of Nevada he was no longer a citizen of San Francisco, though a taxpayer, and the suit was instituted in the name of another client of Patterson's, Anson P. Hotaling.

Hotaling was an entirely disinterested person, as he did not intend to become a purchaser; and it was not until long afterwards through the purchase from the original vendee or his successors of the lot on the corner of Market and Larkin streets, that he acquired one of the most valuable pieces of property covered by the sale.

All preliminary questions involving doubts of the commissioners' power to convey a good title were settled, as has just been said, by filing two suits to perpetually enjoin the board of city hall

commissioners from selling the land which was commonly known as Yerba Buena Park, and to prevent such land from being put to any other use that that of a park. Both suits were brought in the court of the old Fourth Judicial District by Wm. H. Patterson as attorney, with Hall McAllister and T. I. Bergin of counsel. One was by Anson P. Hotaling and James Moffet as plaintiffs and the other by the city and county of San Francisco. The decision in both suits was in favor of the board of city hall commissioners and sustained the powers vested in it by the act of the legislature. The suit by Hotaling and Moffet was appealed and the decision was subsequently affirmed by the supreme court of the state. The decision of the lower court in the case of the city against the board of commissioners was not appealed and became final and the two decisions have been recognized as forming part of the contract between the city and the purchasers.

Those questions having thus been settled and the authority of the Commissioners having been upheld by the supreme court, the sale took place and was a great success. The property before the sale had been appraised at $1,000,000. The prices realized amounted to $953,000, which with the ten per cent interest on deferred payments eventually reached $1,099,000. Marye became a large holder of the lots, but in 1912 the city authorities brought suit against Marye's successors and other property owners in the neighborhood of the City Hall to condemn their property for the purpose of erecting a group of monumental public buildings, to be known as the civic center and to re-arrange the streets in the neighborhood. Grove street from the west was extended through the long frontage of the Marye building on the west side of Marshall square and the part of the property to the north of the street so extended was taken for the site of the proposed municipal opera house. Other

lots on Market street belonging to him were covered by the suit and when the re-arrangement of the streets for the civic center is complete, all that will remain of the Marye holdings will be what is left of the lots at Market street, Marshall square and Grove street extended.

CHAPTER IV

Virginia City and the Comstock

THE story of Virginia City has never been adequately told and perhaps it never will be, but certain it is, there never was a place more worthy of an eloquent pen. Of all the wonderful places in the wonderful development of the mining industry of California and of the Pacific coast, there was none comparable with Virginia City, which was as much more interesting than all other mining localities as were the mines of Washoe superior in richness and magnitude to those of any other mining district. The town stood in a class by itself; there was no other like it. Of the appearance, though beyond the dimensions of a village, it was a city, a cosmopolitan city, with the diversified interests and varied

social features of a large and important centre. Its rise was as rapid as the swing of the sun above the horizon at the equator, and in a few years its fame was spread throughout the world and its influence had made itself felt on the monetary system of every civilized nation. Its lawyers, its doctors, its clergymen, its miners, its business men, were in many instances of commanding ability and in some instances were eminent in their respective fields of endeavor. So many persons of refinement and cultivation had been attracted to it by the fame of its mines that they were not cut off from the social amenities and pleasures to which they had been accustomed. In some respects the features of an old and long settled community mingled with the shifting and strenuous life of a mining camp, but throughout the entire population, from the wealthiest mine-owner to the porter who handled your luggage at the hotel, there was one dominant idea, the enthusiasm of gold.

VIRGINIA CITY, NEVADA

It would be as inaccurate as it would be unjust to say it was a mere sordid lust for gold. It may have been that with some, perhaps with many, but that was not the feeling of the community. It was a big-hearted, generous desire for achievement, to acquire the means of doing greater things, and that feeling was no doubt strengthened during the first years of the history of the town by the knowledge that the precious metals which were there being added to the wealth of the world were doing much to uphold the credit of the nation. And throughout all the days of its beneficent prosperity its citizens were as conspicuous for their open-handed liberality as they were for their public spirit in large undertakings.

The outward aspect of the place was that of a great village perched upon the side of a high mountain. There were many hoisting works belonging to the different mines and great piles of waste rock dumped near them and they were a

very conspicuous feature when you looked at the town before entering it from the Geiger Grade or when you looked down on it from the side of Mount Davidson. But they were not much in evidence when you were on C street, which was the main business thoroughfare running from the Geiger Grade which led up from Reno to the Divide which led down to Gold Hill.

That was the general appearance of the place when Marye first went there in the spring of 1869, but to the early comers it looked far more desolate. The adventurous prospectors who explored the region for the precious metals were not attracted by the inhospitable deserts and rocks to make their locations on what was afterwards the site of Virginia City, though the view of the country and mountains around about from high up on the side of Mount Davidson is not without a stern and rugged beauty and grandeur. The early Washoe discoverers expected hardship and looked to their mines for

compensation and they were not disappointed in either expectation.

The California miners of '49 and of that period did not need much money to carry on their work; if they had enough to buy a pick and shovel, and a pan or rocker they had all they needed. But the placer mines, as the surface deposits were called, where the early miners washed gold dust and nuggets from the banks and bottom of shallow streams, were soon exhausted and those in quest of the precious metal had to seek the deeper and less accessible deposits which, in those great convulsions of nature which had raised and lowered mountains and turned streams from their courses, had supplied the placers with their gold. In 1860 and '61 many valuable deep-mining properties had already been located and extensively developed at great cost on the mother lode in California and in the middle 'sixties the Reis brothers, Ferdinand, Gustave and Christian, pioneer merchants of

Downieville in Sierra county, sold the Sierra Buttes mine, which they had already opened and worked to quite a depth, to an English company for nearly a million dollars, which was the largest single transaction up to that time in California or on the coast.

But when the mines of the Comstock began to be opened it was soon recognized that the work would have to be carried on in a vastly larger way than ever before in our country or, indeed, anywhere in recent times, and it was also recognized that the outlay of money would have to be in keeping with the magnitude of the work. And the problem was, where was the money to come from? Certainly not from any one individual. Any one man who had money enough to open and develop one of the great mines of the Comstock had money enough, as things went in those days, to retire from business and he certainly would not risk it all in such a hazardous enterprise. But the people of San

Francisco, where the mines were owned and where their development had to be financed, were ever as resourceful in creating the means to carry out their great projects as they were bold and adventurous in their enterprises and so the San Francisco Stock and Exchange Board was organized through the agency of which each one was enabled to invest so much of his store in the development of the mines as he felt warranted to risk.

A member of the board of long standing, Mr. Joseph L. King, has given us an interesting though fragmentory account of the organiztion of the exchange and he has given us, too, an incomplete history of the highly important and conspicuous part performed by it in the business activities of the financial centre of the western part of our country.

It would take, no doubt, a very elaborate narrative to fully present its position and influence, for it not only performed the functions

common to exchanges in all commercial centres but it embraced within its membership many, if not the majority, of the most enterprising men of San Francisco and it was influential in all the walks of life and in all the great undertakings of the city. And through its instrumentality the ownership of the Comstock mines became nation-wide and their fame world-wide. Marye never became a member of the board, but at the time when the number of seats was increased in 1875 and William Sharon, James Clair Flood, James D. Fry, Charles N. Felton and L. T. Haggin became members, he bought a seat for his son who had joined him in business and who afterwards became one of the most active members of the Board and was its president for a number of terms.

The distribution of the honor and of the profits of the first discovery of the mineral bearing vein on the side of Mount Davidson seems to show something of the irony of fate. The

early profits, such as they were, went very unevenly to a good many different people, but least of all to the first discoverers, and the honor of the discovery has not been accredited either to the men who first suspected the presence of the vein, or to those who did the first work on the ground, or to the one who made the first informal location on the site of the great ledge. The two brothers, Hosea and Allen Grosh of Pennsylvania, from their knowledge of the surface deposits in Gold Canyon and their investigation of the surrounding country, were the first to assert that there should be deeper and more extensive deposits in the neighborhood of the mountain they knew as Sun Peak. They both died from hardship and exposure before their well reasoned anticipations were verified by later developments. The first work on the surface of the vein was done by Peter O'Riley and Patrick McLaughlin, though of course in entire ignorance of what was beneath and

around them, and the first attempt to make even an informal mining location there was made by James Finney, an old miner from the state of Virginia. The names of those men, except perhaps in the public schools of Virginia City, are entirely unknown to the general public in connection with the mines of Washoe. The lode received its name from Henry Comstock, a Canadian, who acquired in some way an interest in the claim of O'Riley and McLaughlin, though he does not seem ever to have done any work there, and the lode was called after him with no greater reason or justice than the Americas were given the name of Americo Vespucci. James Finney, who was generally known as "Old Virginny," and who was held in high esteem as a miner by his associates and acquaintances, has had his memory perpetuated in the name of Virginia City.

The first discoverers and their associates, the early miners on the ledge, had very little idea of

the extent and nature of their discovery and their efforts at development with the utensils of the placer miner were neither very successful nor very profitable. It was not until two of their number, Comstock and Penrod, procured a couple of arrastras and two mules, at the cost of a large undivided interest in their claim, that the work began to be profitable, and the yellow stuff which was too hard to break with the pick and wash in their pans was found to be a rich chloride of silver. A few days afterwards samples of the black rock which the miners had neglected and had looked upon as an impediment in their work, were sent to Placerville, in California, to be assayed by a competent assayer and he declared them to be silver sulphurets carrying a high percentage of gold and worth in the neighborhood of $4000 a ton. From that time on quartz mining was an established industry in Washoe, that is, established in the sense that where there is a known ore body the energy and ingenuity of

man will always reach it to make it available for the purposes and benefit of mankind. But of the thousands who took part in the "rush to Washoe" in the spring of 1860, following the excitement during the winter over the reports of the new silver mines, very few had any idea or even thought of the immense difficulties which would have to be overcome in order to wrest the treasures of the mines from the bowels of the earth and turn them into the useful channels of trade and commerce. The ledge lay high up on the side of a barren mountain, itself surrounded by a desert, and everything needed by the miner for his shelter or subsistence had to be brought from a distance at great labor and expense, and everything needed in quartz mining had to be brought from San Francisco. On San Francisco devolved the heavy though profitable task of furnishing the money and the means to open the mines, but then, as now, San Francisco "knew how" and she went at it with a will.

She performed the task and reaped the reward, for before the great fire of 1906 half the most important buildings in the business district of the city had been put up with money made on or from the Comstock.

Fortunately, almost with the beginning of work on the Comstock, many improvements were made in mining methods and machinery through the ingenuity of American engineers and machinists and they tended to lessen the expense and to offset to that extent the added risk and doubt arising from the mass of litigation which grew out of the irregularities and uncertainties of the early locations on the lode. The companies, organized for the most part in California, to develop the mines, acquired by purchase or other means the original locations of the early miners but they all had to go into court to have their titles determined and their boundaries defined by judicial decision. A mining location, when properly made under the

United States statutes, with a due observance of their provisions, is as good a title as any, though perhaps not as readily proved as a patent, but the first locations on the Comstock were not of that character. They were made by men who knew little about the law and who were as careless in complying with the requirements with which they were acquainted as they were indifferent about those provisions of which they had no knowledge. The tangled mass of litigation which ensued took time and pains and money to unravel, and those companies which were unsuccessful in their suit and were pronounced to be without title to their property dropped out of existence or sank into oblivion, and their stockholders, who in many instances had fancied themselves rich, found themselves ruined or impoverished. A Rudyard Kipling might write a volume of absorbing interest on the romances of the Comstock and another no less affecting on the tragedies of the Comstock,

meaning not the vulgar conflicts between brawlers and lawless and violent men, but the deeply pathetic tragedies of disappointed hopes and broken lives.

And so amid conflict and dazzling discoveries, like the brilliant flashes from Aladdin's lamp, and the impetuous rush of eager fortune-hunters Virginia City grew from a mining camp to a village and from a village to a city of national importance, though always with the appearance of a village, for it furnished the Nation what it most needed during the stress and strain of our great war of secession; and into a city of international importance too, for the additions it made to the stock of the world's precious metals had their effect on the monetary system of every civilized country.

The early stages of development were very rapid, the canvas tents of the first miners were soon followed by board huts and they in turn were succeeded by substantial frame and brick

buildings and extensive hoisting works, and when William H. Blauvelt, who afterwards became the oldest resident of Virginia City, first went there in 1863, it was an active, thriving town of perhaps seven thousand inhabitants. It was not any easy trip to Virginia City at that time, for it took three days from Sacramento by stage to Carson City and the stages were crowded and the roads bad. The stages were known as the Pioneer Stage Line and owing to the extensive business with Virginia City the line was very profitable. It was the property of Louis McLane, president of Wells Fargo's Express Company, and among all its lines the company had none as remunerative as the one belonging to its president. There were three stages every day and they were so crowded inside and out with passengers that seats had to be engaged days in advance. There were three persons in each row of seats, just the number the row would hold sitting close, and there was no room for

MAIN BUSINESS STREET OF VIRGINIA CITY, NEVADA

shifting one's position. The first day out from Sacramento the stage went as far as Placerville and as the road was too bad for night travel a halt was made there until the next morning. The next day was a long pull from Placerville to Strawberry Inn, which usually was not reached until late in the evening. The third day landed the tired passengers at Carson City and it is hard for us to realize how glad they were to get there. There still remained a long mountain climb to Virginia City, but the road was perhaps better; it certainly was shorter, and the passengers were able to select one of several modes of conveyance and were not confined to the cramped quarters of the Pioneer Line. Besides, the first part of the trip from Placerville over the Sierras was apt to be enlivened by occurrences none the less disagreeable for not being unexpected. The crowded Concord coach would frequently upset, though the driver would say facetiously that it had not upset but only turned edgewise, and the passen-

gers would have to clamber out as best they could through the spaces on the sides covered with leather curtains which were left unfastened for just such emergencies. At other times the heavy stage, where the mud was deep, would get stuck in a hole and the driver would invite all hands to get out and would call on the men passengers to help get the vehicle out of its difficulties. The call was nearly always responded to with the utmost good humor and it never seemed to occur to the passengers that they had bought transportation which they were entitled to and that they were under no obligation to do the work of relay horses for the stage company. Stage drivers in those days had quite a high idea of their own importance and their estimate of themselves was shared by a majority of their passengers. They were usually, though, pleasant enough fellows and did not impose their authority too much on the traveling public. To this, however, there were some exceptions and on one

occasion during a winter in the middle '60s when there was a good deal of half melted snow and ice on the ground and the roads were in a pretty bad condition, the driver seemed to take peculiar satisfaction in calling out his passengers more frequently than was needed. Among the travellers was a tall raw-boned fellow named Morgan, who afterwards became quite a friend and general utility man of Senator William M. Stewart, and another was a well known real estate and mining stock operator of San Francisco, S. P. Dewey, who was somewhat noted among his friends and acquaintances for his self-importance and rather pompous manner. The passengers at first met the frequent calls to alight and lend a helping hand with good humor and they no doubt felt some compensation for the inconvenience of getting out into the mud in their amusement at seeing their consequential fellow-traveler pushing or pulling at the heavy coach. But after a reasonable number of halts the passengers began

to feel that they were being imposed on, and when the next one occurred Morgan strode up to the driver and said, "Look'ee here, my man, if you make us get out to help you out of another mud-hole, I'll toss you into it." The driver was quite surprised at this interference with what he considered his prerogatives and was disposed to resent it, but he looked his man over and became convinced the speaker was quite willing and able to carry out his expressed intention and the stage made the rest of the trip without any assistance from the passengers.

In 1863, Virginia House, on the southwest corner of B street and Sutton avenue, was the leading hotel in Virginia City. A few years afterwards it yielded the first place to the International, which, during the brief period of Virginia City's fleeting greatness, was to it what the old Palace was to San Francisco before the great fire, but in 1863 the Virginia House held the lead. The country was then in the midst of the war be-

tween the States and, for some reason, the Virginia House had been selected by the Southern men in Washoe as their headquarters. Charles B. Fairfax, or as he was popularly and affectionately known to all Californians, Charley Fairfax, was there at that time, he was the tenth Lord Fairfax in the peerage of England in his own right, if he had cared to claim the title, but he was a devoted son of Virginia and unwilling to sever his connection with the old state where his forbears had had enormous grants of land from the Royal government, and of the virtues of which he was himself a noble example. Once he was stabbed in a cowardly manner by a man in Benecia, he drew his revolver, for he was armed as everyone was in those days, and covered his assailant, and then said, "I could kill you if I wanted, but I don't on account of your wife and family." His wound was serious, but he recovered and was at the time we are speaking of in Virginia City with his wife, a very lovely woman,

the sister of a prominent lawyer of San Francisco, Calhoun Benham. Benham had gone south and was fighting in the southern army but, as he used to say then and afterwards, he was born on the wrong side of the Ohio river to get much promotion in the Confederate service. Frank Denver, Judge Barbour, Judge Reardon and Frank Hereford, who was afterwards United States senator from West Virginia, were all there too, but they were too much engrossed in developments on the Comstock to show any greater interest in the Confederacy than a rather vehement expression of sympathy.

There were not many people living in Virginia City in 1863 who are living there now some fifty years afterwards, but there are some and among them are Louis Wardell, Ruff Hardy, Eugene Bonafous and A. M. Cole the druggist, and it is safe to say there is not one of them who could not tell an interesting story of the opportunities he had to make a fortune on the Comstock.

Arrington were unable to stand the pressure and were obliged to close their doors. Their principal creditor was the Bank of California, to which they owed $40,000 and the Bank, through its president William C. Ralston, sent up to Virginia City to realize whatever could be procured in satisfaction of its claim from the assets of the bankrupt firm, William Sharon, who afterwards became the most prominent figure on the Comstock and who had a good deal to do with Marye's going to Virginia City to engage in business in 1869. Fortunately, soon after Sharon got to Virginia City there was quite a strengthening of values and he was enabled to bring about sales of the timber lands, saw mills, town property, mortgages and other assets of the defunct firm at figures which fully repaid the bank. Settling the affairs of Stateler & Arrington kept him on the Comstock for some time and during his stay, after going over the ground very thoroughly, he reached the conclusion that it would be highly

profitable to the Bank of California to open an agency in Virginia City and also that the increased banking facilities furnished by the agency would greatly aid in the development of the district. When he returned to San Francisco he presented his views to the managers of the bank and succeeded in convincing them of their soundness, and in 1864 he was appointed to go to Virginia City and open an office there as the bank's agent.

The building at the southwest corner of Taylor and C streets, in which Sharon established the agency of the Bank of California, and where it has been ever since, was in 1863 the property of T. J. Taylor, a forwarding and commission merchant, after whom Taylor street was named. Taylor was prosperous enough until be became the owner of a mine, or of a mining location, called the Solferino and became possessed with the idea that it was rich in ore. He could not rid himself of that infatuation and gradually strip-

ped himself of all that he had in order to carry on development work in what proved to be merely a hole in the ground, and in so doing he borrowed $12,000, at 5% a month, from W. H. Blauvelt and gave a mortgage on the Taylor and C streets property to secure the debt. Blauvelt very reluctantly had to take the property in satisfaction of the mortgage and when he and Arnold established themselves as bankers in Virginia City they opened their office in the building Blauvelt had thus acquired. Sharon, in looking for a suitable location for the agency of the Bank of California, proposed to Blauvelt to buy his building at a fair valuation, and to take over his business and take him into the bank as well. Blauvelt understood that the agency would be his close neighbor in any event and he knew it would be a formidable rival and would surely get the lion's share of the business, so he acquiesced in the arrangement and the agency was opened in the month of September, 1864, in the

old Taylor-Blauvelt building where, as we have said, it has been ever since. Some months afterwards, in May, 1865, Blauvelt was made the agent of the bank in Gold Hill and he continued to hold that position until 1879, when the agency there closed out its business.

Sharon was no novice in affairs of the Comstock when he opened the agency of the Bank of California in Virginia City. He had already won his spurs as an operator in the shares of the mines and at least on one occasion had shown those qualities of quick decision and firm purpose which subsequently distinguished him. He had invested heavily and at high figures in the stock of the Gould & Curry mine, which he looked upon at the time as of almost the same stable value as real estate in San Francisco, and when it began to decline rapidly from the price it had reached of $6000 a foot he hurried to Virginia City and went into the mine and, as he used to say afterwards in telling of it, "I

"Sam" Clemens, Mark Twain, was there too, employed as a reporter and writer on the *Territorial Enterprise;* he afterwards achieved fame and fortune, but it cannot be said that he made much progress towards either in Virginia City. Still he always wrote with much feeling and keen appreciation about pioneer days in Nevada and California, and his account in "Roughing It" of a vacation from his labors in Virginia City, passed at Lake Tahoe, will ever remain the best description of the subtle charm exerted by that place on all who visit it until its wondrous beauties of mountain scenery and pellucid waters inspire some great poet. Alfred Bigelow Paine, Clemens' biographer, who visited Virginia City not long after Clemens' death to gather material for his work, was probably able to glean much information which would entertain the reader and present Mark Twain in an amiable light, for he was universally liked in Virginia City, but it is not likely that he learnt much that would

foreshadow Mark's greatness, for he never did anything to bring him permanent renown until he published "The Innocents Abroad" some time after leaving Nevada.

In 1863 Virginia City was still in what we may call its first period of prosperity. Blauvelt, who had held a responsible position in the banking house of D. O. Mills & Co., in Sacramento, after his arrival in Virginia City, established himself there with an associate as bankers and brokers under the firm-name of Arnold & Blauvelt. Among his colleagues in the same line of business were James H. Latham, Wells Fargo's agent in Virginia City, Paxton & Thornburg, H. G. Maynard of Gold Hill and Stateler & Arrington, all of whom were well known and, except Stateler, long engaged in business on the Comstock or in connection with it in San Francisco. Stateler was unsuccessful a few years later and when he failed he owed a good deal of money to C. W. Fox, who was at one time Marye's agent in San Francisco.

Fox, who was not inappropriately named, soon convinced himself that if he had to wait to be paid with the other creditors his chances of getting his money were very slender, though he believed that Stateler could pay him if he wanted to. So he went to him and said, "Stateler, I believe you have a very good business here and if we went in together and you let me manage it we could both make money. I think I would be willing to furnish the money to start the business up again if you let me handle it. I will think it over and see you again in a day or two." Stateler, who was naturally anxious to re-establish himself and particularly with a man who was willing to furnish the capital, readily acquiesced in the suggestion. In a day or so Fox came back and said, "Well, I have been thinking about that matter and I am willing to furnish the capital to start up again, but it wouldn't do for us to go in together if you owe me money. People would say that I had just gone in to help

you out, and they wouldn't have any confidence in the concern and we wouldn't get any business. You had better pay me up and then we can start with a clean bill of health and make it a success." Stateler must have thought the opportunity was worth the sacrifice for he paid the money, but the co-partnership was never formed and he never resumed business. Fox was Marye's agent in San Francisco in the early seventies, when he added considerably to his store, but the arrangement did not last long and the agency was discontinued when Marye opened his own office in San Francisco.

Prior to their failure Stateler & Arrington carried on a large business in all the various fields of activity in and around Virginia City. When the decline came following upon the exhaustion of the early ore bodies, notably of the great body of black sulphurets in the upper levels of the Gould & Curry, when the value of that mine fell from $6000 a foot to $700 a foot, Stateler &

trembled." He at once telegraphed to his broker in San Francisco, "Sell my stock." The next day he got the report, "Have sold (mentioning the number) feet; think it better not to force more on the market just now; expect prices will rally in a few days." Sharon at once sent another despatch, "Sell all my stock." He lost all that he had embarked in the venture, but the proceeds of the sales paid what he owed and he was free from debt. The stock did not rally but continued to decline and had he waited a day longer he would have had a heavy weight of debt to add to his losses. No one ever accepted the fortunes of war with greater equanimity than Sharon and no one ever carried through difficult and hazardous ventures with a more unruffled spirit. Marye's son, who years afterwards did a large business for him in the board in San Francisco, used to say that no one could be more agreeable to do business for and that he never once heard from him a word of complaint or

blame at the way his orders had been executed.

But Sharon's ventures in the main were very successful, and just after he went to Virginia City to open the agency and while he was getting it ready to begin business, he quite made up his losses in Gould & Curry by profitable operations in the stock of the Yellow Jacket mine. He used to go into the mine pretty much every day and he began to buy when the stock was selling at $350 a foot. He bought five feet at a time until the stock reached $575 a foot, at which figure he bought his last lot of five feet, and had then thirty feet. He stood on his holdings, collected several dividends and then sold out at the highest prices the stock reached, from $2500 to $2700 a foot and made a profit of more than $60,000. It was less than six months from the time he made his first purchase of five feet until he sold out, and after he sold the stock declined rapidly so that he had luck on his side

COURT HOUSE, VIRGINIA CITY, NEVADA

as well as good judgment in that venture. A year or so afterwards he operated very successfully in the stock of the Savage mine and in 1867 he told Marye in San Francisco that in his stock operations and in taking over milling properties on the Carson river he had made all of $250,000 in the preceding six months.

At the time the Bank of California opened its agency in Virginia City the experimental stage of the strenuous life of the town was largely over. At the outset the owners and directors of the mines had to experiment with men as well as with the means to best extract and reduce the ores. It was not easy to find skilled men trained in deep mining, and those who were tried and from whom much was expected sometimes furnished more amusement to their unpretending brethren on the Comstock than profit to the mine. On one occasion the directors of the Ophir made overtures to Walter W. Palmer, a mining man who had charge of a mine in Mexico and

who was temporarily in San Francisco, to appoint him superintendent of their mine. While the negotiations were pending he said, "Gentlemen, my terms are a salary of $25,000 a year and a contract for that length of time. You must reach a conclusion within forty-eight hours for if we do not come to an understanding within that time I must go back to my work in Mexico." A salary of $25,000 was a very large one in those days, as much as the President of the United States was then receiving, and it was very unusual to make a contract with a man whose abilities had not been tested. But the directors thought that Palmer knew more about quartz mining and reducing ores than anyone else in California or Nevada, and they accepted his terms and elected him superintendent. At the mine where he had worked in Mexico they used what was called the Patio process of amalgamating silver, and after he came to the Comstock he spent most of his time at the Ophir Mill

in Washoe Valley trying to improve that process by driving horses through the pulp consisting of crushed ore, quicksilver, salt, copper and water, saying that the warmth of the horses' feet was necessary to make the amalgamating process complete. The directors as well as their superintendent were the butt of a good deal of ridicule, and when his term of employment came to an end it was not renewed.

But if there were some mistakes the selections of the men to do the work were for the most part judicious and attended with happy results. The superintendents, foremen and miners originated and introduced many improvements in mining operations and the way the work was done on the Comstock became the model and example for deep quartz-mining the world over. Philip Deidesheimer, a German engineer from Hesse-Darmstadt, who was superintendent of the Mexican or employed in some responsible position in the mine, originated the "square sets"

system of timbering which was at once adopted in all the mines of the Comstock and has since then been in general use everywhere. The Encyclopedia Britannica speaks of the magnificent timbering of the shafts of the Comstock lode and quotes from James D. Hague's description of it, but there is no mention made of Deidesheimer who originated it. For some reason he did not patent his highly original and valuable invention and it was the frequent subject of remark for years on the Comstock that if he had done so he would have been in receipt of very large sums of money from royalties. His improvidence, or perhaps the non-patentable nature of his invention, was all the more to be regretted that those sums would have been very acceptable to him in later years.

Another mining superintendent of the same period was Seth Cook of the Sierra Nevada. He was afterwards largely interested in several mines of the Comstock and in mining properties

elsewhere. B. F. Sherwood was superintendent or business manager of the Central, which subsequently, as a part of the Consolidated Virginia, yielded an enormous output of the precious metals, but that is an incident of a later date. P. N. McKay, or as he was popularly known on the Comstock, Pat McKay, was superintendent of the old California. He lived in the superintendent's house which is still standing and goes by the name of the California House. McKay was friendly with the important firm of Bolton, Barron & Co. in San Francisco, and was supposed to represent their interests in Virginia City. Robert F. Morrow began his long connection with the Comstock at a very early day. He was at first superintendent of the White & Murphy and when work was discontinued in the mine, which afterwards became a part of the Consolidated Virginia, he became superintendent of the Savage. He retained that position until he transferred his activities to San Fran-

cisco or, as the expression always was in Virginia City, to the Bay, where he joined the San Francisco Stock Exchange and became one of its most vigorous members. Charles L. Strong was superintendent of the Gould & Curry when it was working its great body of black sulphurets and was paying dividends of $125 and $150 a month and the property was selling at the rate of $6000 a foot. Strong was fond of display and made his tenure of office a brilliant one. He spent money lavishly, drove four horses and, as the saying was, kept champagne on tap. Unfortunately, when his exaggerated ideas of the emoluments and permanency of his office were harshly corrected through the loss of his position, the change in his circumstances was more than he could bear and he ended his days by suicide in San Francisco a few years later. He was followed by Charles Bonner, whose brother, John Bonner, was some time afterwards one of the best known journalists of San Francisco and

a literary man of enduring reputation. Charles Bonner died while superintendent of the Gould & Curry, leaving an interesting family well provided for. His widow afterwards married a well-known business man of San Francisco and his children owned an extensive and valuable vineyard in the San Joaquin valley near Fresno. J. N. Walker was superintendent of the Bullion mine and also of the Exchequer. Those two neighboring mines were very eligibly situated on the lode and great hopes were entertained about them; but they never yielded anything, and they proved disastrous investments to every one who had much to do with them. De Land, the owner of the De Land's mill in Six Mile Canyon, was superintendent of the Chollar at an early day, but he did not hold the position long. He was succeeded by Isaac L. Requa, who was superintendent for a long time, and who accumulated a large fortune in Virginia City. The superintendent of the Empire Mill & Mining Co.

was Robert N. Graves, whose subsequent career furnishes a striking example of the vicissitudes of mining. After the great development in Consolidated Virginia and California, in 1875, he had an income of eighty thousand dollars a month from twenty thousand shares of Consolidated Virginia and twenty thousand California, both of which mines were paying monthly dividends of two dollars a share. But he continued to operate extensively in the highly speculative shares of the Comstock mines and his later ventures were not successful. His great profits soon melted away and when he died many years after he left very little. Charles Forman was also one of the early superintendents; he had charge of the Eclipse Mill & Mining Company. That claim and a number of other small adjoining ones, among them the Bowers, Plato and Empire, were merged later into one company called the Consolidated Imperial, of which Robert N. Graves was the first superintendent. Forman

remained in Virginia City and was at one time superintendent of the Overman mine. When he left the Comstock he went to Los Angeles where he resided for many years. Captain Thomas G. Taylor was superintendent of the Best & Belcher in the early or middle sixties; he was afterwards superintendent of the Crown Point and when he retired he went to San Francisco, where he lived for the remainder of his life in the enjoyment of an ample competency.

It seems curious at first blush that neither history nor tradition in Virginia City furnishes any information about the men after whom some of the most important mines were named. The Best & Belcher, the Gould & Curry, the Hale & Norcross, the Savage, were all prominent mines and at various times represented enormous values, yet no one knew anything about the men whose names they bore. That seems strange at first, but when we reflect about it, it becomes less so. The early prospectors were

always poor men of roving and adventurous disposition and character and when they had made their locations they soon realized that they had not the money, and probably in some instances, the patience, to develop their claims, so they promptly sold them for such small remuneration as they could get and drifted on to new fields to make other discoveries. We may indulge the hope that they did make other discoveries that paid them better than those they had made on the Comstock, but it may be confidently asserted that none of them ever made another which added so much to the wealth of the world.

The transition from dealing in feet in the mines to dealing in shares of the capital stock of the mining companies took place in 1867 on the San Francisco Stock Exchange and everywhere. At the outset the mines were organized or incorporated with feet and shares, the number of shares corresponding to the number of feet and the number of the latter being usually the same

as the number of feet in the claim on the lode. Still, if there was any question about the number of feet that a mine was entitled to, it always incorporated for the full number that it claimed. In some instances there were several shares to a foot, as in the Gould & Curry, which had four shares to a foot. But for a long time all the dealings in interests in the mines were in feet. Gradually, however, the many advantages of dealing in shares rather than in feet became obvious and the old custom was abandoned for the newer and more convenient one. Many of the less important mines were originally incorporated in Nevada because it was easier and cheaper to incorporate there, but in 1867, or by that time, practically all of the mines, with some rare exceptions, had been re-incorporated in California with such number of shares as seemed expedient in each instance, but always without any consideration of the number of feet in the mine. The number of shares, however, in the different

mines was never a constant quantity, nor was the par value of the shares. Thus, in 1871, after the great development in Crown Point and Belcher, the number of shares were greatly increased in all the more important mines and the par value of the shares in practically all of them was made $100. And again as late as 1899, at the conclusion of the Spanish war, there were radical changes made. The government at that time having imposed a tax upon all the corporations in the country in proportion to the amount of their capital stock, the mines of the Comstock found it necessary to greatly reduce their capitalization. The Yellow Jacket Silver Mining Company, as an illustration, which had always been a Nevada corporation and which had at the time we are speaking of 120,000 shares of the par value of $100 each, amounting to $12,000,000, sold its property to the Yellow Jacket Gold and Silver Mining Company, a new corporation organized under the laws of the State of Nevada

with 120,000 shares of the par value of $3 each, amounting to $360,000. The other mines made similar arrangements to escape a burden of taxation which would have crushed them out of existence.

Mining development was at a pretty low ebb on the Comstock in 1868, and it was very little, if any, better when Marye first went to Virginia City in the beginning of 1869. The early ore bodies in Ophir and in other mines of Virginia City and Gold Hill had ceased to yield in paying quantities and the great body of black sulphurets in Gould & Curry, which had attracted the attention of the world, had for some time been exhausted. Sinking, drifting and cross-cutting were actively carried on in all the principal mines, but there had been no recent developments to reward the miner, although the indications had continued steadily favorable. It is one of the surprises of the Comstock, and an illustration of the uncertainties of mining every-

where, that the only group of mines on the lode proper in which work had been completely abandoned was that which was subsequently organized into the Consolidated Virginia and California companies, which proved the greatest producers of all the wonderful mines of Washoe. The group lay between Best & Belcher on the south and Ophir on the north and included the Dick Sides, the White & Murphy, Central No. 2, California (the early incorporation of that name), Central No. 1 and the Kenney. Central No. 2 was at that time a corporation without assets. Its claim on the lode had been sold out in execution of a judgment in favor of Williams & Bixler, a firm of Virginia City lawyers. They had performed certain legal services for the company for which they made the charge of twelve hundred dollars. The company was not doing any work and could not levy any assessments and so could not pay the bill. Williams & Bixler were obliged to bring suit and to sell out the property

of the company in satisfaction of their judgment. The stock in the Consolidated Virginia and California companies which they received for the property thus acquired when these mines were afterwards organized and incorporated reached the value in 1875 of $3,000,000.

But those conditions were undreamed of in Virginia City in 1868 and values were on a very different plane. Prospecting was extensively carried on in the principal mines, as has been said, but for immediate results the town had to look to sources of less magnitude and less promise. Smaller deposits of ore which had been overlooked or neglected in times of greater profits were turned to account either by the mining companies themselves or by contractors to whom contracts were given to work certain portions of the mines. Rule & O'Neal, owners of the Marysville Mill in Gold Hill, obtained a contract from the Gould & Curry Mine to work the rejected ore in the old stopes on payment of two or three

dollars a ton to the company. It was current rumor at the time that they made quite a large sum out of their contract as they were said to have uncovered a number of pockets in the old red-ledge in which the percentage of gold was unusually high. The Chollar croppings were vigorously worked and Walter Hobart was said to have made a profit of a quarter of a million out of his contract with the Chollar Co. to pay one or two dollars for each ton of ore taken from above the "Three hundred foot level." The reworking of previously abandoned or neglected portions of the mines proved profitable in a good many instances and gave employment to many men and to a number of quartz mills, but it was not the kind of mining on which great expectations could be based for the future.

The expense of milling the ores was considerably reduced at this time. It had been $25 a ton but in 1868 it had fallen to $15. William Sharon and his associates in the Union Mill & Mining

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Co. had acquired possession of mill sites on the Carson river, and had improved and enlarged old mills and built some new ones, and the old steam mills in and around Virginia City and Gold Hill were unable to compete with the cheaper water power and had to go out of existence to the great loss of their owners, and the Union Mill & Mining Co. proved Sharon's most profitable possession, as it was of his principal associate, D. O. Mills. It was during this period that John W. Mackay, who afterwards loomed so large on the Comstock, came into general notice. His great abilities as a miner and organizer marked him for success from the time he first came to Virginia City from Downieville in California in the early 60's, but he had, of course, to wait and plan for the opportunity to start on his upward career. It came to him when he obtained control of the Kentuck mine, which became a dividend producer under his management and out of which he made a good deal of

money. Afterwards he became superintendent of the Bullion, through which he made his salary and nothing more, for the mine was always a will-o'-the-wisp and, with the most alluring indications, never yielded a pound of paying ore, but it was while he was superintendent of that mine that the connection was formed which afterwards became so celebrated between Flood & O'Brien in San Francisco and Mackay and Fair in Virginia City. At first there was a fifth partner in the alliance, James H. Walker, whose brother, Governor Walker of Virginia, was governor of that state when Marye's cousin, John L. Marye, was lieutenant governor, immediately following the reconstruction period. Walker, for some reason, withdrew from the combination, which was subsequently known as the Bonanza Firm, and Mackay bought his interest, and that is why in all the ventures of the firm after that time Mackay had twice the holdings of any one of his colleagues. The combination, as perma-

nently constituted, and which was destined to have such a brilliant career on the Comstock and in the business world of San Francisco, was made up of James Clair Flood, William Shonessy O'Brien, John W. Mackay and James G. Fair. Three of these were men of very exceptional ability and in all likelihood each one of them would have pressed his way to the front rank in any community in which his lot might have been cast. It was often a matter of discussion among those who knew them well when they first became prominent as to which one was the dominant or leading factor in the aggregation. The question was never answered, for the reason that there was no general leader, each of the three taking the lead in those activities which were tacitly recognized as falling more particularly within his field. Entire harmony prevailed among the members of the firm until Fair withdrew from it several years after its great successes and after the fever-heat of the

mining period on the Comstock had quite subsided.

The new union of forces revealed itself to the general public of California street and Virginia City in a very striking and unexpected way. After the Bank of California had established an agency in Virginia City with Sharon at its head, and Sharon had organized the Union Mill & Mining Co., he and his associates, usually known as the "Bank crowd," had gradually obtained complete and undisputed control of practically all the mines on the great lode. In 1869, however, at the annual meeting of the stockholders of the Hale & Norcross mine for the election of directors for the ensuing year, Flood and Fair made their appearance with enough stock standing in their name and sufficient proxies to enable them to carry the election. Mining circles, and indeed the public generally, were at once filled with curiosity to know who the new men were who had thus unexpectedly and without attract-

ing any attention obtained control of such an important property. And the many inquiries which were made at the time resulted only in showing that they were new men without anything of particular interest in their past; what they had recently done and especially the manner of its accomplishment, gave promise of much of interest in their future, a promise which was abundantly kept.

When these men obtained control of the mine an assessment had been levied which was not' however, delinquent at the time of the election. Soon after they took charge they rescinded the assessment and declared a dividend, and their management of the property gave them such prestige that at the next annual election of the Gould & Curry they held proxies enough to take over the mine; and it was through following a very thin clay seam carrying diminutive specks of quartz from the bottom workings of Gould & Curry through the Best & Belcher mine into

Consolidated Virginia ground that the great bonanza was discovered.

"*There is a tide in the affairs of men*
Which taken at the flood leads on to fortune"

CHAPTER V

Virginia City in the "Seventies"

IT WAS in February, 1869, that Marye first went to Virginia City when Sharon and Ralston were the leading figures in Comstock affairs, the one in Virginia City and the other in San Francisco, before the railroad was built from Reno and when heavy freight was still brought into the town, and ore hauled from the mines to the mills on great wagons with trailers drawn by twelve and fourteen horse or mule teams, and lighter freight, such as fuel, gathered by Chinese in the surrounding hills, was brought in on donkey-back, that patient animal dubbed by Ross Brown the Washoe canary, on the principle of *lucis a non lucendo*, for certainly his vociferous notes were not those of a song-bird.

Marye went there to take charge of the Virginia City house of Marye & Cahill; the firm had two branches, one in San Francisco under the management of Cahill and one in Virginia City of which Marye took charge. Not long afterwards it was found expedient to conduct the business of the two offices entirely independently of each other and Cahill took over the exclusive ownership of the San Francisco office and Marye became the sole owner of the office in Virginia City. That office, under his management, did an enormous business, and it is believed that during the years from 1873 to 1879, both inclusive, that is during the Great Bonanza period, fully one-half of the entire brokerage business of Virginia City was transacted in Marye's office. He found it situated in the busiest and most frequented part of C street, on the west side a few doors south of the agency of the Bank of California, and he always kept it at the old stand. In the fire of 1873 the building occupied in part by it

was destroyed, but Marye bought the property from the former owner, F. J. Hammell, and at once rebuilt and re-opened the office where it had been. In the greater conflagration of 1875 he was fortunate in not losing his building, though the flames burnt right up to it and partly destroyed it, but the office, through a queer freak of the fire, was practically uninjured and his business uninterrupted. Wells Fargo & Co.'s express and banking office was just across the street, a few doors further south, and the San Francisco-Nevada Bank opened an agency some years later in the building opposite the Bank of California, on the southeast corner of Taylor street, so the four most important places of business in the town were within a stone's throw of each other. Wells Fargo's though when Marye first became its neighbor on the Comstock, was not as flourishing as it had been and as it became again not long afterwards. It was under the rather feeble management of Charles E. McLane and was

meeting with vigorous opposition from a new competitor, the recently organized Union Express Company of California. Charles E. McLane had succeeded his brother Louis as president of Wells Fargo's and they both owed their selection to the fact that their brother Allan McLane was president of the Pacific Mail Company, whose vessels were virtually the only means of regular transportation from California to the eastern states and elsewhere, and Wells Fargo's naturally wanted to receive favors or, at all events, to make favorable traffic arrangements with the only regular carrier. But when the railroad overland was opened the situation changed entirely. Shippers wanted to send their goods by the quickest route and the Union Pacific, or those in control of it, soon organized an express company of their own, and the Wells Fargo could only bill from the Pacific States as far east as Ogden and from east of the Missouri river only as far west as Omaha. Lloyd Tevis

and D. O. Mills conceived the plan—the idea originated with Tevis—of starting an opposition express company in California and associating with them Charles Crocker of the Central Pacific, through whom it was expected favorable terms with that company could be made for the new enterprise. The plan was carried out and added not a little to the difficulties of Wells Fargo's. Its stock dropped from about par or $100, to $13, and at the latter figure, or thereabouts, Tevis, Mills and Crocker quietly picked up enough of the stock to secure the control of the company. They levied an assessment of $5 a share on the stock of the company and sold to it their own recently organized company which thus went out of existence. Tevis became president of Wells Fargo's, opposition was over, and through Crocker arrangements were speedily made with the Union Pacific railroad to enable Wells Fargo's to issue through bill of lading over the lines of that road and the like privilege was

given to the express company of the Union Pacific over the lines of the Central Pacific. Wells Fargo & Co. had far the best of that bargain and its stock rapidly advanced again and it paid six per cent on par for a long time and until it did even far better.

In 1869, as in the two preceding years, prospecting, though actively carried on in the Comstock mines, did not lead to any great discoveries. The most striking development was the substitution of a dividend for an assessment in the Hale & Norcross and that was a development in mining management rather than in mining exploration. But the indications in the mines were promising and the interest of mining men in the great lode never flagged and that of the general public knew but little abatement. Conditions underground were for the most part the same as they had been, the east and west walls of the vein were as well defined as ever and the vein formation between them was the same

as when the early finds which dazzled the mining world had been made in the upper levels, and so there was a feeling of confidence that important discoveries might be made at any time. And it may be remarked, *en passant*, that as those conditions are still much the same at the present day it may not be altogether unreasonable to hope that some new and important find may be again made on the Comstock.

In the summer of 1869 Marye was called back to San Francisco to give his attention to the affairs of the office there. Edward Cahill, who had charge, was the soul of honor himself and therefore the less likely to suspect dishonesty in others, but he had noticed various irregularities which caused a feeling of uneasiness and so he summoned Marye to his aid. Marye was a first-class accountant and at once began a thorough investigation of the books and business of the San Francisco house, which was promptly followed by the disappearance of the clerk towards

whom suspicion pointed. Subsequent examination disclosed the embezzlement of valuable stocks and sums of money amounting in the aggregate to more than sixty thousand dollars. Edward Cahill's big heart and his great reluctance to suspect dishonesty in others might seem to have rendered him more than usually likely to become the prey of untrustworthy employees, and yet, so far as is known, this was the only instance where he suffered any loss through the peculations or dishonesty of any person in his employment. When we take into account the enormous volume of the brokerage business of those days, the rapidity with which it was transacted, the wide and abrupt fluctuations in the values of the securieties dealt in and the atmosphere of feverish speculation in which it all took place, it becomes a subject of wonder that there were not more cases of dishonesty among the many clerks in the brokerage houses. The certainty of early detection, no doubt, had a strong

deterrent influence, but it is none the less immensely to the credit of a numerous body of men, in trying and responsible positions and in the very vortex of stock speculation, that there were so few cases of dishonesty among them.

The year 1869 was far advanced when Marye was able to return again to Virginia City, as the occurrences in the office in San Francisco had been tedious and vexatious. During the remainder of 1869 and until late in the spring of 1870 he spent his time about equally between San Francisco and Virginia City, giving attention to the business of both offices. It was not until well along in 1870 that he was able to give his undivided attention to the business in Virginia City, and he then busied himself with the organization of the office and the extension of its business. He was very fortunate in having time allowed him to perfect all those preliminary arrangements, and also to pass through a very serious spell of illness at the close of 1870, before

the occurrence of those interesting events which preceded and accompanied the development of the great ore body in Crown Point and Belcher in 1871.

It certainly behooved those in Marye's line of business to get their houses in order and to be prepared for what was coming. No one, of course, at that time anticipated what was immediately ahead; a great many people hoped and looked for new discoveries on the Comstock, but no one expected that the next one would so far outstrip all that had gone before, or that it would be attended with such an unprecedented upheaval in the stock market. At the time when it first began to be bruited about that there was an improvement in Crown Point the shares of stock in the mine were selling in the neighborhood of three dollars. Those same shares afterwards went to eighteen hundred dollars, but between those extremes of depression and inflation and in the gradual advance upward there were

STOREY COUNTY HOSPITAL, VIRGINIA CITY, NEVADA

Formerly known as St. Mary's Hospital. Built in '76 by subscription

many and wide fluctuations, and the business in the stock of the company, as indeed in the shares of the other mines of the great lode which participated in the advance, was enormous. J. P. Jones, who was afterwards for many years in the United States Senate from Nevada, was at that time superintendent of the Crown Point; he and Marye were friendly and he was a client of Marye's office. For a time he told Marye very frankly about the situation in the mine, but later he not unnaturally became less communicative, as he was trying while prices were still low to prevail on Alvinza Hayward to buy a large block of the stock for himself and to carry a goodly amount for him as well. He did induce him to take that course and Hayward gradually bought enough of the stock to secure and hold control of the mine as long as it was worth having.

Of the progress of those stirring events William Sharon was no unobservant spectator.

He followed developments very closely and he soon made up his mind that if there was an ore body of any magnitude in Crown Point, Belcher, the next mine on the south, would have its share. He promptly started in to buy Belcher stock and he succeeded in securing the actual stock control of the mine without putting the shares beyond reach on an already excited market. This, no easy achievement, was accomplished largely in Marye's office and through his judicious handling of the business. The venture proved highly profitable to Sharon, for Belcher turned out to be a better mine even than Crown Point and the shares, which he bought at less than one hundred dollars, afterwards advanced to two thousand dollars and over, and Sharon told Marye that he was the second richest man in California and that D. O. Mills, his principal associate in the Union Mill & Mining Co., and in other Washoe enterprises, was the richest.

The great boom, the halcyon period of Vir-

ginia City's chequered existence, was now fairly under way, to continue with many vicissitudes until the mighty market of 1886 marked the beginning of the end of greatness. During the ten or twelve years from the early discoveries on the Comstock to the uncovering of the unprecedented ore-body in Crown Point and Belcher, very considerable progress had been made in the general growth of California and Nevada. The railroad had been built from Sacramento to Reno and Ogden, and the old stage route from Sacramento to Virginia City by way of Strawberry Creek, Tahoe and Carson, had been virtually abandoned. The travel now all went by rail to Reno and from there by stage coach through the Truckee Meadows and the hot springs at the foot of the mountain range, over the picturesque Geiger Grade into the far-famed mining metropolis of Nevada.The mention of the Geiger Grade will always bring back pleasing memories to many old Comstockers and to other travelers,

too, who passed over it at the right time. The mountains traversed by it were stern and rugged, sterile, and even forbidding in appearance, with little to hide their barrenness save a sparse growth of sage brush and a bountiful scattering of huge boulders of rock. In winter, when the mountain sides were white with snow, the roadway frozen hard and rendered dangerous by the slippery ice, and the Washoe zephyr whistled around the stage in fierce blasts which even the most imaginative could not construe into a lullaby, there was nothing particularly agreeable about the trip. And in summer, during the long, hot days when the burning sun poured down from a cloudless sky on the bare, treeless road and hillside, the wayfarer sweltering in the glare of light and heat had little thought of enjoyment. But when, on the evening of such a day, he started out at nightfall in the coach from Virginia City to Reno over the Grade, he had before him a drive which could not be surpassed any-

where. The moon soon flooded the mountains with its gentle light and softened and concealed the barrenness of their aspect, while the gigantic boulders cast afar deep mysterious shadows. The dull-colored, dusty sage brush idealized by the mellow rays of the moon, took on shapes of fantastic beauty and in the freshness of the evening, after the scorching heat of the day, exhaled a pungent, aromatic fragrance. The beauties of the landscape thus transfigured by the enchantress, the freshness and the fragrance of the early night, the exhilaration of the drive behind six spirited horses under the control of skillful hands, combined to secure a lasting place in the memory for the drive over the Geiger Grade as a sort of Washoe midsummer night's dream. After the opening of the Virginia City & Truckee railroad there was not much passenger traffic over the Grade, but as long as the palmy days of Virginia City lasted the road was well kept up and it was much used as a

pleasure drive to the hot springs at the foot of the mountains.

At the time we have now reached, after the great discovery in Crown Point and Belcher, Virginia City was quite a city, in fact and not merely in name. Always of the appearance of a great straggling village with most of the buildings on C street, the main thoroughfare, of wood and one-story high, it was a city with a well organized municipal government, numerous and well equipped schools, a paid fire department and a well disciplined and efficient police force. Gambling was still a licensed occupation, but it was carried on behind closed doors and was not obtrusive. The number of saloons was out of proportion to the population, an inheritance from earlier days, but drunkenness was no commoner than elsewhere, and no one could complain that the town was not well behaved or that it was disorderly. The many churches of the place were well attended and well supported,

and at least in two instances were in charge of men whose merits were known and recognized far beyond the confines of the State of Nevada. St. Paul's Episcopal church was presided over by Bishop Whitaker, the missionary bishop of Nevada, and of him it may be said without exaggeration and with absolute verity that he was a worthy successor of the apostles. By his teaching and example he endeared himself to the people of all creeds and of all nationalities throughout the entire state, but more particularly perhaps to those of Virginia City, where he was at home and best known. He was afterwards called to the Diocese of Eastern Pennsylvania, one of the most important in the country, with the episcopal seat at Philadelphia, where he continued for many years to exert the same elevating and stimulating Christian influences which had so distinguished his ministry in Nevada. The parish priest of the great Roman Catholic church of Virginia City, St .Mary's in the Moun-

tains, was Father Manogue, afterwards Bishop of Sacramento in California. He had been a miner in California and in Virginia City and, feeling the vocation, had gone abroad and studied for the priesthood at Maynooth and St. Omer. On his return he had been given the important parish of Virginia City and in that congenial field he had devoted his untiring energies to his chosen work. He built the finest church in Virginia City, not like those usually built in mining towns but like the churches in permanently established places, of durable material and beautiful design and construction, and it stands there to this day, a lasting monument to the zeal of its builder and of the fleeting greatness of Virginia City. He had by far the largest congregation in the town and there was not a miner in Washoe or in the adjoining counties who did not know Father Manogue and who did not recognize in him not only a spiritual leader but a sympathetic friend and adviser.

Both Bishop Whitaker and Father Manogue were warm friends of Marye's and he was a liberal contributor to their churches. He was a member of the vestry of St. Paul's and when his son, then Major, afterwards General William A. Marye, of the Ordnance Department of the United States Army, was married in 1879, Bishop Whitaker performed the marriage ceremony.

The population of Virginia City was naturally an uncertain and variable quantity. In 1863 it is believed to have been about 7000 persons. In 1873, after the discoveries in Crown Point and Belcher, it was estimated at 17,000 or 18,000, and during the period from 1875 to 1879, after the development of the Big Bonanza in Consolidated Virginia and California, it reached the high-water mark of perhaps 25,000. The decline began in the latter part of 1879 and continued with accelerated pace until the census of 1900 showed a population of 2244. In 1910 and 1911 there was an increase to 3000 perhaps, but the

population at this time is probably about what it was in 1900.

With such a fluctuating population there could not of course be any great stability in real estate values in the town. When, after the fire of 1871, Marye bought from F. J. Hammell the property where his office had been, he bought it quite irrespective of what had been paid for property in the neighborhood before. He paid $14,000 for the fifty-one feet on C street, running through to B, with an equal frontage on that street. The price was looked upon as extravagant at that time, but as Marye explained to his neighbor Geo. F. Hill, of the firm of Thomas Taylor & Co., who wanted to buy the lot where his firm had its place of business a hundred and fifty feet south of the piece Marye had bought, the property he had purchased was worth to him what he had paid for it, as he could not afford to move his office and Hammell would not sell for less. Marye was fortunate in getting the lot when he

did, for values in the neighborhood soon after advanced, and besides securing a permanent site for his office he made a profitable real estate investment. He improved the property with a good building called the Marye Building and got high rents for a number of years, and though it was ultimately sold by Marye's heirs for a song, that did not occur until it had paid for itself more than once with a good rate of interest in the bargain. The rapid changes in real estate values in Virginia City are illustrated in a striking way by the history of a house on Taylor street of some local note, of which Marye was at one time the owner. It was built at a cost of $30,000 by Wm. M. Stewart in the early sixties, before he became United States Senator and while he was engaged in an extensive and profitable law practice in Washoe. While he lived in it with his wife, who was the daughter of Senator Foote of Mississippi and one of the popular hostesses of Virginia City, it was one of the

social centres of the town.When Stewart was elected Senator from Nevada and left for Washington he turned the house over to his former law partner, Charles DeLong, who was afterwards Minister to Japan and who before leaving for his post in the Orient sold the place to A. J. Ralston, the brother of W. C. Ralston, and who had succeeded Wm. Sharon as agent in Virginia City for the Bank of California. What DeLong gave for the house is not known, but Ralston, when he bought it from DeLong, paid $10,000 for it. Ralston lived there for some time until he took a large apartment in Marye's building on B street, and he not long afterwards requested Marye to take the Stewart house at a valuation of $2500 in satisfaction of a guaranty which he had assumed on an account in Marye's office. Marye assented and leased the property for sixty-five dollars a month to Judge Kirkpatrick of Salt Lake City who occupied it for some time. After that it was vacant for a long time and the

owner paid taxes, insurance and repairs and had no returns until he finally sold it for one hundred dollars to Piper of Piper's Opera House, who tore it down and used what he could of the material in rebuilding his theatre on B street, to take the place of the old one on D street which had been burnt down. This was not an exceptional story later, but probably in this instance the decline in values began earlier and ran its course sooner than with other buildings in the town.

Virginia City was never before so prosperous and populous as in 1873, but there was natuarlly a great falling off in the ranks of the lawyers who had been attracted there in earlier times by the magnitude and the lucrative character of the litigation between the various mines on the lode to settle their mutual rights and boundaries, and between the different companies claiming in some instances the same mining properties. A. P. Crittenden was one of the early ones to

return to San Francisco, there, through the good offices and friendship of W. C. Ralston, he formed a co-partnership with Samuel Mountford Wilson, attorney for the Bank of California, and the firm of Wilson & Crittenden soon became one of the most widely known on the Coast. Crittenden's stay in Virginia City, though, proved fatal to him, for while his professional practice during that time was not attended with any permanent results, it was there that he formed the relations with Laura D. Fair which ultimately led to his death at her hands. The large fees paid by the mining companies naturally attracted legal talent of the highest order to the Comstock, and the bar of Virginia City continued to be extremely able until the wane in the town's greatness had well set in; but of course many of the early comers gradually dropped out as their great cases were settled or decided. From the time of the organization of the state government, the bench, too, was of a

high degree of efficiency. Virginia City was in the first judicial district of the state and the Hon. Richard Rising was the first judge of that district. He was a man endowed by nature with a clear, logical mind, and his legal training, when he was raised to the bench, was sufficient to give him a sound conception of the law in all the phases of its application. In the trial of a case his aim was to lead counsel at the bar to lay before the court the substantial merits involved rather than to insist on technical points which might impede that effort or merely cause delay. He had the learning and the necessary strength of character to control his court and to prevent its being dominated by any lawyer practicing before it, however strong and aggressive he might be; and not long after he was raised to the bench it was generally recognized that the first judicial district had a fair-minded, clear-headed judge who presided over his court with dignity and ability and dispatched its business fairly

and promptly. The United States Circuit Court at Carson, before which all the lawyers of Virginia City also practiced, was held by Circuit Judge Alonzo Sawyer and Mr. Justice Stephen J. Field of the United States Supreme Court. The high legal standing of the former is attested by Sawyer's Circuit Court Reports, and the judicial eminence of the other by his many masterful decisions reported in the Supreme Court Reports of the United States. Of the early lawyers the one who possessed in a fuller measure perhaps than any other the qualities which go to make up a great lawyer, was Charles H. S. Williams. Judge Rising, in speaking of him in after years, toward the close of his own career in Virginia City, used to say that of all the great lawyers who had practiced before him, and there were not a few, Charles H. S. Williams was the most able. Governor Perley, of Perley & DeLong, who possessed an unenviable notoriety in connection with the Terry-Broderick duel, but who was a

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very good all-around lawyer and who certainly was not wanting in a sufficiently high estimate of his own powers, entertained a profound admiration for Williams, an admiration none the less sincere for being reluctant, and which used to find expression in the somewhat ambiguous remark with which he always accompanied any reference to Williams, "why, the damned old fool knows everything." And that estimate, couched in more appropriate terms, was general among Williams' fellow-members of the bar. His immense talents were not always at his command, however, and he came to his end in San Francisco at an age when he should still have had years of usefulness before him.

Another very able lawyer of the early days was Curtis J. Hillyer. His partner was B. C. Whitman, and their partnership continued until Whitman was elected to the Supreme Court of the state, where his colleagues were Judges Garber and Lewis. It may be truly said that during

Whitman's incumbency the Supreme Court of Nevada was stronger than ever before or since, for John Garber alone would have raised its standing to a high average and Whitman was a sound lawyer and made a good judge. His manner as well as his learning lent lustre to the court, for he combined the *suavitur in modo* with the *fortiter in re*, a trait not always noticeable among the strong men of the Nevada bench or bar. Hillyer had great powers of concentration and his abstraction when absorbed in the preparation of a case for trial was the source of a good deal of amusement to his fellow lawyers. It was told that at such times he did not even recognize the client for whom he was at work. He had an eminently logical mind, and it was said of him that, like Chief Justice John Marshall, he could reason out from a given state of facts what the law should be and needed only to refer to authorities to fortify his conclusions. He established an extensive and lucrative prac-

tice and in 1869 was retained by a number of the Comstock mines, acting through Sharon, to go to Washington to protect their interests against the aggressive legislation urged by Adolph Sutro before Congress in favor of his tunnel. Sutro was certainly not modest, and probably not even reasonable in his demands, except from his own view-point, and proposed to make all the mines of the lode practically tributary to his tunnel, at all events that was the opinion of the mine owners, and Hillyer, acting in their behalf, succeeded in having the measure proposed by Sutro substantially modified. While engaged in that business in Washington he conceived the idea that the national capital would be a good field for a lawyer who felt equal to handling big cases. On his return to Virginia City he closed out his business in Nevada and went back to Washington, where he established himself permanently and built up a large law practice. He also operated extensively

in real estate in the northwestern part of the city and there is a street named after him there at this time, Hillyer Place.

Another popular and able lawyer of that time, though not of the judicial authority of those who have just been mentioned, was William S. Wood, or Billy Wood, as he was called in Virginia City and indeed throughout his career afterwards in San Francisco. He was educated as a boy in the public schools of Sacramento, where he developed great mechanical skill with the pen and in the high school he took the prize for penmanship. His ability to write easily and rapidly stood him in good stead later, for there were no typewriting machines in those days, and he owed his first employment to his ability to write a good rapid hand. Winans & Hyer, who were among the leading lawyers of Sacramento in early times and who had many clients, among them D. O. Mills & Co., and a large practice, took Billy Wood, when he was still only a boy,

into their office to do copying work. He used to say he could write all day without fatigue, but he soon showed that he had it in him to do other things besides copy legal papers. He had about him the stuff to make a good working lawyer, and as he was far from being of a bashful or retiring disposition, his loud voice and self-assertion attracted the attention of his employers who were amused at his boyish assurance and who, themselves Columbia College men, were interested in the young man who had developed in such a different environment and who, if successful, would have to owe it to his own powers alone. Both Winans and Hyer took a fancy to their young employee, especially Hyer, and he told Wood frequently that he had it in him to make a good lawyer, but that he would have to work hard to train his mind and to accumulate the knowledge necessary to the successful practice of the laborious profession of the law. He did work Wood hard, but there was no

shirking on the latter's part, and he drew from his labors equal satisfaction and benefit. It was well known to the lawyers of Sacramento, and to the bench as well, that Hyer, who was an acknowledged master of the law, took much pleasure and devoted much time to the legal training of his young employee and pupil and often discussed with him, probably to clear his own mind, difficult problems of law which had arisen in his own practice. So when Wood presented himself for examination before the Supreme Court for admission to the bar of California the judges propounded to the candidate a number of questions as difficult as they could properly be made on such an occasion, and those questions were so well answered by Wood that it was said that he had passed the best examination before the Court of any candidate down to that time. Soon after Wood was admitted to the bar he was told that he was wanted in Virginia City by Thomas Sunderland, a former lawyer

of Sacramento, who was then practicing in Washoe, as Virginia City and Gold Hill were always called in California in those early days. Wood, after some correspondence, went to Virginia City and entered Sunderland's office just after the dissolution of the firm of Sunderland, Johnson & Baldwin, and a short time prior to the establishment of the firm of Crittenden & Sunderland, and he remained with the new firm in the capacity of clerk. In 1864, when Sharon went to Virginia City in the interest of the Bank of California to settle up the affairs of Stateler & Arrington who had failed, he retained the services of Crittenden & Sunderland to advise him in the business. On one occasion when some question had unexpectedly arisen and he had gone hurriedly to the office of his lawyers, not finding either of the members of the firm in, and meeting young Wood there, whom he had never before seen, he put the question to him more in a secret spirit of banter than in any expectation

of an expression of opinion from him of any value. After he submitted the question Wood, in his usual loud tone and with his accustomed assurance of manner, answered without hesitation, "You can't do it." The promptness and emphasis of the answer pleased Sharon, particularly as it agreed with his own views, and he found on further discussion that the young clerk's opinion was based on solid legal grounds. Shortly after leaving the office he met Sunderland and said, I went around to see you a short time ago but neither you nor Crittenden were in so I took up the matter I wanted to see you about with the boy in the office and really I believe he gave me as good advice as you could have done. Sunderland assured Sharon that the youngster he had been talking with was a well equipped though youthful lawyer and quite competent to discuss intricate questions of law. Sharon conceived a great liking for Wood from that time, and he always continued to like him

and to throw business in his way when he could. Some years afterwards when the several mines of the Comstock lode, at the sensible suggestion of Sharon, determined to combine and retain one firm of attorneys to look after the interests of all on the payment of a monthly sum by each, instead of each one employing a lawyer separately at much greater expense, he secured the business for the legal firm of Hillyer & Deal, of which Billy Wood was a member.

W. E. F. Deal, who was afterwards associated with Hillyer & Wood in the practice of the law some time before Hillyer went to Washington, reached prominence at the Virginia City bar very early in life. He was the son of a Methodist clergyman, had received a good education and was a natural lawyer. His native ability had been developed by intelligent study, observation and reflection, and he also possessed marked advantages of appearance and address. He would have been a notable figure anywhere, and

in Virginia City he was conspicuous socially, professionally and politically. His professional and political activities extended throughout the state, and his reputation as a lawyer reached beyond its limits. He attended to most of Marye's law business in Virginia City, and won for him in the Supreme Court of Nevada the leading case of Stone vs. Marye. In that case Stone, the owner of certain stocks, had entrusted them to someone, and the bailee had taken them to Marye's office, sold them and appropriated the proceeds. Stone sued for the stocks, Marye disclaimed all responsibility and sent the case to Deal. At that time Deal had recently formed a partnership with Judge Lewis, who had just completed his term as one of the justices of the Supreme Court of the State. During his term of service on the Supreme Bench he had decided a case gainst Marye, where the owner of stocks which had been stolen from him and sold through Marye's office

brought suit for their recovery, and Lewis said that the issues presented by the Stone case were the same as those already decided by him in the earlier one, and that he could not raise anew questions he had himself already decided adversely to Marye's views. Marye insisted that the cases were not the same, but widely different in their circumstances. In the case decided by Judge Lewis the owner of the stocks had not wilfully parted with their possession and he could not be divested of the right to his property through the criminal act of the wrongdoer who had taken it. In the Stone case, on the other hand, the owner had voluntarily parted with the possession and turned it over to another, and if there was any loss through the selection of the person whom he had clothed with all the outward *indicia* or signs of ownership, the loss was his and could not be shifted to a third person. Marye's son, who was practicing law in San Francisco and who happened to be in Virginia

City at the time, supported Marye's contention, and called Deal's attention to two decisions of the Supreme Court of California, Brewster vs. Sime and Thompson vs. Toland, which furnished high authority for Marye's views. Deal took the case, over his partner's objection, carried it through the courts and won it, and it is now the leading case on the subject and decisive of all questions coming within its rule. R. S. Messick, or as he was always called in Virginia City, Judge Messick, having been on the bench in Sacramento, was another lawyer who attended to legal business for Marye. He was a lawyer of commanding ability and of a keen sense of professional honor. He was eminent in all branches of the profession though it was perhaps in his practice as a mining lawyer that he achieved his highest reputation. He was a great friend of Justice Stephen J. Field of the Supreme Court of the United States, who worked most abundantly in the early development of the

mining law of our country, "all of which he saw and much of which he was," as Virgil says of Æneas and the war of Troy. And when years afterwards Judge Field wanted a lawyer to defend Nagel, who had killed Judge Terry in protecting Field from assault, he selected Messick.

Messick defended the accused with consummate skill and, assisted perhaps by Field's counsel or suggestion, he was so successful that he obtained a judgment that Nagel, though he had killed Terry, had not committed an act triable in any court in the land. No court had the power to make judicial inquiry into the killing. It was a great forensic triumph but not of those triumphs which increase the respect of lawyers or of laymen for the law, or for the administration of the law. It is only just to add that the strange doctrine of Nagel's case was promulgated by a divided court. Another of Marye's lawyers, though at an earlier period and some time before

he went to Virginia City, was Edmund Randolph, a descendant of Washington's first attorney-general. In speaking of Randolph as a lawyer it is hard to avoid the use of terms which might seem like exaggeration, for of all the many great lawyers who have adorned and made illustrous the bar of California and Nevada, he was the first, if it be possible to say who was the first amid such a galaxy of pre-eminent merit. He never had a very extensive practice, he never made a great deal of money; there were among his contemporaries not a few perhaps who in those respects quite surpassed him, and life was always to him a somewhat up-hill work, but in the complete mastery of intricate questions of law and of complicated conditions of fact and in their clear and forceful presentation to a court of justice, no one did or could surpass him. He possessed every quality, natural and acquired, to make up a lawyer of commanding superiority, except placidity of temper and vigorous health,

for he was somewhat irascible in disposition and he never enjoyed robust health. He had practiced law for some time in New Orleans before he came to San Francisco and he had acquired there the same profound knowledge of the civil law—that is, of the law of Rome as it has come down to us through the modern systems of France and Spain—as he possessed of the common law of England as it is administered in most of our states. While practicing in New Orleans he had met and become friendly with Edwin Stanton, attorney-general during President Buchanan's administration and afterwards President Lincoln's great war secretary. When the Government brought suit to establish its title to the New Almaden Quicksilver Mine, Stanton was attorney-general, and he selected Randolph to represent the Government in the litigation, The trial was the most important that had taken place in California down to that time, not only on account of the magnitude of

the property interests involved but of the intricate and novel questions presented in the case arising out of the unsettled condition of the law following upon the substitution in California of the common law of England for the civil law of Spain. The trial of the case, which took place in the United States Circuit Court in San Francisco before Justices McAllister and Hoffman, attracted wide-spread attention and was conducted by the most distinguished bar that had ever been brought together in a single case in a California court before or since. Those claiming title against the Government retained all the leading lights of the local bar, beginning with the firm of Halleck, Peachy & Billings, composed of H. W. Halleck, who was afterwards chief of staff and as such commander-in-chief for a time of all the armies of the United States during the civil war, and of Frederick K. Billings, who was afterwards one of the leaders in the construction of the Northern Pacific rail-

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road; another of the local bar was Hall McAllister, still young at the time but of recognized ability and distinguished standing. In addition to the members of the local bar the claimants against the Government brought out from the east to assist in the trial, Reverdy Johnson who was accounted at that time the greatest master of the common law in the entire country, and who was afterwards U. S. Senator from Maryland and American minister to the Court of St. James. They also brought to San Francisco to take part in the trial Judah P. Benjamin, who was regarded as the most thorough master and exponent of the civil law, of the law of Rome, as it had obtained in the States formerly under Spanish rule, of which California was one. Benjamin, as all the world knows, was afterwards Confederate secretary of war, and following upon the collapse of the Confederacy went to England, where he was admitted to the bar and, after a bitter struggle against poverty, achieved

the highest distinction and was at the time of his death retained on one side or the other of every case then pending in the House of Lords, the court of last resort in the English law. Such was the array of counsel employed by the claimants. On the side of the Government there was but one, Edmund Randolph, but it was the consensus of opinion of all those who witnessed the struggle of Titans which was that long and arduous trial, and which is reported in six great volumes of law books, that he alone was the equal of all the forensic forces pitted against him. The trial took place in the last months of Buchanan's administration, it lasted six weeks and completely exhausted Randolph's feeble physical powers. He died soon afterwards on the eve of achieving a fame that would have filled the land. For a time Marye had in his office in San Francisco a portrait by Sully of the earlier Edmund Randolph, Washington's attorney-general, and Randolph of California, who was a tall, slender

man with a handsome head and clear observant eyes, resembled it a good deal. But the picture furnished a most remarkable instance of how family likenesses will sometimes crop out again after one or more generations. If the body in the portrait had been covered over leaving only the face visible, it might well have been taken without any effort of imagination for a portrait of Margaret Randolph, the eldest daughter of Edmund Randolph of California.

From very early days, as far back as the early fifties, D. O. Mills was the agent in Sacramento of the New Almaden mine, and he used to say that the profits of his business with the company were sufficient to pay all the office expenses of his bank. He received five per cent commission on all sales, but that was not all. The mine was largely owned by Mexican people and though Walkinshaw, a Scotsman, was superintendent, the management was not provident, and the company often wanted money faster

than sales could be made. It would then offer to to furnish quicksilver in a certain amount to be paid for at once on arrival at Sacramento, and would agree to accept a reduction of ten per cent on the price in consideration of immediate payment, and would also stipulate that the price would not be made lower until the consignment was fully disposed of. The quicksilver was sent to Sacramento by schooner and from there was distributed to the mines, and as the sales were extensive the commissions were very lucrative.

During the litigation with the Government, and after it, the company wanted money and Mills made it a large loan, receiving at the time a contract that he should have all the output of the mine for a term of years at a certain figure. This contract proved immensely profitable, for during its term the mines of the Comstock were opened up and the demand for quicksilver was enormously increased with a corresponding advance in prices. Until nearly the close of the con-

tract New Almaden continued virtually the only source of quicksilver supply on the coast and Mills controlled it. A short, but only a short time before the term expired, cinnabar was discovered in a number of places in California and the price of quicksilver fell rapidly and much below the figure of Mills' contract. If the contract had continued much longer he would have dropped a good part, possibly all, of the profits he had made by it. Mills possessed very clear business vision, much acumen and discernment, but in this instance certainly he was befriended by fortune, and luck rather than judgment saved him from loss.

Some of those remarkable men who have just been mentioned are spoken of in a strikingly interesting way by Judge C. C. Goodwin in his book, *As I Remember Them*, a work which recalls very vivid memories to those who dwelt in Virginia City during its palmy days. Judge Goodwin lived in Virginia City at the same time as

Marye and, with Rollin M. Daggett and "Joe" Goodman, its proprietor, was the editor of the *Territorial Enterprise*, which under his able management and that of his colleagues became and remained for a long time one of the two leading and most influential journals of the coast published away from the bay. The *Enterprise*, under the impetus thus given it by Goodwin and the others, continued to be an important daily long after Virginia City had ceased to be the mining metropolis of the world, but it finally shrunk with the dwindling prosperity of the town, and after dragging out for a time a precarious existance it breathed its last, or published its last issue, on 1st June, 1916, regretted by all who had known it. A history of the *Territorial Enterprise*, by Judge Goodwin, if it is ever written with his pen and his knowledge, would be of enduring interest and a valuable contribution to the early history of Nevada.

The unprecedented magnitude and richness

of the ore-body developed in Crown Point and Belcher naturally gave rise to the feeling that mining on the Comstock would be permanent, and while those mines were still yielding their millions it was not infrequently said by business men of practical mind and conservative temperament that if a discovery of anything like the same impartance should be made in the northern part of the lode, mining on the Comstock would have the same permanent character as the mines of silver and copper have long had around Freiburg in Saxony or the coal mines of Cardiff in South Wales.

In 1873 the great excitement in the stock market following upon the development of the ore-body in the two Gold Hill mines had largely subsided, but the public continued to take a keen interest in all the Comstock properties and followed the work done in any of them with close attention. It was in that year that Flood and his Virginia City partners, Fair and Mackay,

obtained control by purchase of the claim or of a majority of the stock of the various properties on the Lode extending from Best & Belcher on the south to Ophir on the north. As has elsewhere been said that part of the lode had been long neglected and some of the properties had been shut down and all work in them abandoned. But Fair was a shrewd and intelligent miner and the little streak of ore found in the bottom of the Gould & Curry mine after he and his partners got control of the company, and which ran north through Best & Belcher ground in increasing dimensions, though never of size sufficient to make mining it profitable, was to his experienced eye and trained judgment as a miner a very significant indication of what it might lead up to in the neglected area north of Best & Belcher. The practiced eye of Fair and the knowledge it gave him, the broad and comprehensive vision of Mackay, his confident belief in the possibilities of the Comstock and his excellent

judgment in mining matters, enabled them to readily convince their San Francisco partner of the great probability of large gains in taking over the neglected claims between Best & Belcher and Ophir. And so the world-famous Consolidated Virginia Mining Company was incorporated, and from it somewhat later, in 1874, and covering a part of the ground originally belonging to the Consolidated Virginia, was segregated and organized into a separate company the equally famous California Mining Company. The wondrous richness of the two made history as well as fortunes, and their output, actual or anticipated, affected the monetary systems of all the nations.

It was naturally quite a long cry from the organization of the companies and the beginning of the exploration of the old discredited ground to the discovery of the "big bonanza," and the story of the vicissitudes, the discouragements and the changes of that period of doubt and

search would not be wanting in interest, but it may suffice to say the work pursued its course steadily amid the uncertainties incidental to all mining and the knowledge of what was going on, of its aims and of the expectations which prompted it, which at first had been confined to a few insiders on the Comstock, gradually spread to all who were interested in the mines as shareholders or otherwise and from them to the whole body of the people of Virginia City and of San Francisco, of every mining camp in Nevada and of every center of business in California.

The gradually awakening interest of the general public expressed itself in the steadily increasing activity of the stock market. In the early part of 1874 expectation was already keenly alert and all changes, whatever their nature, in the exploration of Con. Virginia as the mine was popularly called, were attended with wide fluctuations in the values of all the securities of the Lode, for Con. Virginia was the

point of interest, and as went its stock so went the others. Marye was well informed about the progress of work in the mine and the appearance presented by it at different times, and those of his clients who followed his suggestions made money and that was one of the resaons for the great popularity of his business house.

In the spring of '74 it became quite definitely known, not merely to those who were carrying on the explorations in the mine and to the larger operators in mining shares, but to the general public as well, that an important discovery had been made in Con. Virginia. The general nature of the "find," we may suppose, was pretty accurately surmised from the outset, but its dimensions, its richness, and all its main features, could only be subjects of conjecture and speculation, and that speculative guesswork about the progress of development was reflected in the feverish activity of the stock market. During the ensuing summer there were times when what

was the equivalent of a new mine seemed to be developed every day by the work of twenty-four hours, and there were other times when it seemed that they had got through with fresh developments and that the full size of the ore-body had been uncovered, or at all events ascertained. All those changing conditions and indications as they were gradually uncovered, were reflected on the Exchange in San Francisco by wide fluctuations in values and in an enormous and ever increasing volume of business. In the closing days of that eventful summer it stood revealed that they had reached an ore-body that went far beyond the hopes of the most hopeful or the expectations of the most sanguine, and even after that the work of every day continued to add to the riches already discovered.

Virginia City was now at the height of its prosperity and was nearing the height of its fame. It was the recognized metropolis of the world for the mining of the precious metals, its

methods of opening the mines, of taking out and treating the ore furnished the examples followed in all mines of the precious metals the world over. The influence and effects of its great discoveries were felt everywhere but, of course, nowhere as in the town itself. Life there for a time had a singular interest and charm, there was a suppressed, semi-conscious excitement and expectancy which was not confined to any set of persons but was shared by the entire community. Vast wealth was being uncovered and added to the riches of the world, and nobody knew to whom it was going or whether it would be alloted to the fortunate ones through their good luck or through their own good judgment. All had shares of stock in the mines, all were trying to make money through their ventures in the stock market. Some were content with a reasonable profit, say, a hundred per cent in a few days or a few weeks, some would be content with no less than a small fortune whatever the amount of

the original investment, and others again would never be satisfied with any profit and would never realize their gains and take what they had made. Marye took great interest in the operations of those of his clients who showed a disposition to seize the opportunity for large profits and often gave them valuable advice, but he used to tell very candidly those who were never willing to realize a good profit when the opportunity occurred that it was no use trying to help them, that they were not in the market to make money but only for the gamble. The following incident, though it took place at an earlier period than we have now reached, serves to illustrate his disposition to assist his friends and clients. In 1871, when the Crown Point and Belcher market had become quite active, Marye returning to his office one evening after dinner saw standing in the door of the agency of the Bank of California Judge Sunderland, whose partner Curtis Hillyer had recently left Virginia

City for Washington to practice his profession in the National Capital. Marye stopped to speak to Sunderland, with whom he was well acquainted, and the latter in response to the usual salutation, said, "Oh, I am all right physically but I am not doing anything, I am not making any money." Marye remarked, "Well, let me buy a hundred shares of Belcher for you, you will make money out of that." "I would like to," returned Sunderland, "but I haven't any money." "That's all right," said Marye, "you give the order and I will buy the stock and carry it for you." Sunderland gave the order and Marye bought the stock, which was selling then at about eighty dollars a share, and carried it until it reached the price of eighteen hundred dollars a share. He then suggested to Sunderland to sell. The latter, though not altogether willing, did sell, but he complained of the interest charged at the regular rate of 1½ per cent a month on his account, although he made up-

wards of seventeen hundred dollars a share and more than a hundred and seventy thousand dollars on the transaction without putting up a cent out of his own pocket.

In the autumn months of 1874 business in Marye's office was more active than ever before. He had a well organized and efficient staff of clerks, but he had no partner and all matters involving the exercise of discretion and independent judgment, and there were many of them, had to be passed up to him. The clerks had their general instructions which they were required to follow and from which they were not expected to depart, and any business requiring to be handled in an exceptional way had to receive the attention of Marye himself. That meant more than he could attend to, for the office was at that time receiving orders from all over the country, from Albuquerque in New Mexico to Victoria in British Columbia, and from Salt Lake in Utah to Honolulu in the Sand-

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wich Islands. He felt that he needed a partner and his son who had recently returned from Europe and engaged in the practice of the law in San Francisco, was requested by him to join him in the business. The younger Marye, though fond of the profession for which he had prepared himself, and doing well at it owing to the considerable amount of lucrative business his father threw his way, readily acquiesced in the suggestion, and in November, 1874, went to Virginia City. He at once took an active part in the business of the office and years afterwards his father paid him the compliment of saying that he was the only partner he had ever had who had been of real assistance to him.

Marye's office force at this time was working night and day; they had what was called in the mining parlance of the place a night shift to supplement the work of the day clerks. These latter began their labors at eight o'clock in the morning and remained at work until eight o'clock in the

evening, relieving one another from time to time to go out and get their meals. At 8 o'clock p. m. the doors were closed, locked and barred and the weary clerks began their last task of the day, to balance the cash. This was usually done with reasonable ease and celerity, but sometimes, owing to the rush of business, some entry had been forgotten or some mistake made and it was no easy task to straighten out the cash, and until that was done no one of course could go. When that was accomplished the tired day clerks went off to a well-earned rest. Their places were at once taken by the night clerks who wrote up the books and made out statements of account during the night until five o'clock in the morning, when the porters came in and cleaned up the office, and at eight a. m. the daily round began again.

It took a great deal of money to handle the business of the office at this time and Marye was often largely overdrawn in bank. But as

ample provision was always made to meet such a situation, and as the overdraft of one day was often turned into a large credit balance on the morrow it never impeded business. Still a reasonable limit had to be observed, and on one occasion Michael Lynch, a large customer and great friend of Marye's, told him that he had an account in another office, that he owed eighty thousand dollars on it and had about half a million dollars worth of stocks there and that while he didn't feel uneasy he would be more comfortable if Marye would take up the account. Marye said, all right, he would do it. At that time Marye was overdrawn $400,000 in the bank in Virginia City, and was leaning heavily too, on the bank in San Francisco. But he put on his hat and went down to the Bank of California to see Sharon. He told Sharon what he had in view, that he wanted to take up the account but that he didn't want to increase his overdraft in the bank and

then he said, "I want you to let me have the money."

"All right," said Sharon without a moments' hesitation, "make out your note and I will give you a check."

Marye made out his note and took the money and, it may be added, it was paid up in the natural course of business two or three days afterwards.

The year 1874, so memorable in the fleeting prosperity of Virginia City, was now drawing to a close and though the commissions in the office were from a thousand to three thousand dollars a day, all, including Marye himself, were well pleased when the stock board in San Francisco declared a recess over Christmas week, from the 24th of December, 1874, to the 2nd of January, 1875. This furnished a much needed though brief period of relaxation from the high tension of the previous months, but it was scarcely a period of rest, for all the books had

to be gone over, all the accounts closely examined and preparations made for the renewal of business when the rush began again. Marye was able to give his entire attention to that work without any other pre-occupation, for he had no stocks of his own and it is worthy of remark that during the whole time that he was in Virginia City, during much of which he was in the midst of a very vortex of stock excitement and seeing large sums, indeed fortunes, made rapidly around him, he never bought or sold a single share of stock on his own account. He used to say that he could make money enough out of his business, if he attended to that properly, without buying any stock.

A notable instance of the windfalls which attended the Con. Virginia-California development was the experience of Williams & Bixler. They were a firm of attorneys of good standing and considerable practice in Virginia City. The partners were Thomas Hanford Williams, of

Kentucky, and David Bixler, of Maryland, and among their clients was the company which owned the mining claim known as Central Number Two, one of the group of claims afterwards organized into the Consolidated Virginia and the California Mining Companies. In the late sixties Williams & Bixler presented a bill for professional services rendered to the Central Number Two Company and as the company had no money and could not raise any by assessment on its stock they were obliged to bring suit to recover the amount of their fees. They had judgment, and as the company had no means of paying them they were obliged to sell out its property. The amount sued for by them was about twelve hundred dollars and at the Sheriff's sale they bid in the property for the sum awarded them by the court. The company was unable to redeem, of course, and after the lapse of the usual statutory period, six months in Nevada, the title became fully vested in them.

They were anything but pleased at the company's failure to pay and at their having to bring suit, they thought they had acquired a worthless mining claim on which they would have to pay taxes and do assessment work, and for a long time they would gladly have sold out their judgment and what it represented, for fifty per cent in cash of their original demand. When the Consolidated Virginia and California Mining Companies were definitely organized, Williams & Bixler received for their interest in Central Number Two, stock in the California Mining Company which they afterwards sold for upwards of three million dollars. The sales were made by Marye through the office of Geo. T. Marye & Son in San Francisco, which was the firm name of his business house there, as it was also in Virginia City, after his son joined him. Shakespeare is authority for saying that "some are born to greatness, some achieve greatness, and some have greatness thrust upon them."

Thomas H. Williams and David Bixler were both able lawyers and good business men, not a frequent combination, but it may well be doubted that they would ever have made the large fortunes which they did if they had not been compelled very reluctantly to take the property of Central Number Two in lieu of a cash fee.

In the summer of 1875 Marye took steps to carry out the plan he had determined upon for some time to open an office of his own in San Francisco. During the last two years he had paid his agent in the bay city rather more than a hundred and twelve thousand dollars and he naturally felt that instead of paying that money out it would be better to transfer it from one pocket to another. He sent his son to San Francisco to open there a branch of the house of Geo. T. Marye & Son; and that was done after some delay caused by the failure of the Bank of California, which occurred in the month of August of that year. The failure of the bank was fol-

lowed by the closing of the Stock Exchange which delayed the opening of Marye's office in San Francisco, but did not stop business in Virginia City. Orders were received in the office there much as before, though fortunately in greatly reduced volume, and they were for the most part transmitted in the usual way to Marye's son who was taking over the business in San Francisco, to be filled. But they could not be executed through any of the usual channels as the Stock Exchange was closed and all of its members were forbidden to do any business during the period of closure. The rules against doing any business did not of course affect Marye in Virginia City, or his son in San Francisco, who was not yet a member of the exchange, but they made the purchase and sale of stocks a matter of some difficulty and of much uncertainty.

The days of the failure, with its tragic and trying incidents, were troublous times, especially for one doing such an active and extensive

business as Marye. Fortunately, however, for some time before the failure, as much through good luck perhaps as through good judgment, he had been calling in and reducing accounts, and the storm came when he was not too widely extended. In commenting on the situation he said the trouble came just when everybody owed him and he didn't owe anybody. But no one can feel very easy when his debtors are all rendered unable to pay what they owe, and no one understood better than Marye that even in times of trouble it is far better to owe debts that you can pay than to have money owing to you that your debtors are unable to pay. Marye, like the rest, had his troubles and his anxieties, but he was well fitted by character to support them and when everything was frozen up tight and no one was willing to part with a dollar that he could avoid paying out Marye kept right on doing business as before, as nearly as he could. A few days before the failure he had been nego-

tiating the purchase of a fine saddle horse and he had said he would give a thousand dollars for him. The owner wanted more but on the day of the failure he came in and said he would take a thousand dollars in cash if Marye would give it. Marye's answer was prompt and laconic; bring in the horse, he said, and the sale was consummated at once. It was the same in much earlier days when the city of San Francisco determined, over Marye's objection, to sell the City Slip property by which his interest in the Sacramento street wharf, which he owned jointly with Dr. Hitchcock, was made valueless. He became the largest purchaser at the Slip property sale, Sharon being the second largest, and afterwards when the purchase proved unprofitable he was willing to stand by it though the sales were all eventually cancelled through the efforts of other purchasers. The lines of Horace are not inapplicable to him:

Si fractus illabatur orbis
Impavidum ferient ruinae.

When the Bank of California was rehabilitated by its stockholders and some others, and reopened its doors for business in November, 1875, and the Stock Exchange also reopened immediately following, Marye's business resumed its usual channels, the only difference being that instead of being transacted through an agent in San Francisco it was handled in his own office, which soon established a local business equal to that of the parent house in Virginia City. But the white-heat of the huge movement in stocks attending the uncovering of the Consolidated Virginia-California ore-body was now over, and during the remainder of '75 and throughout the year '76, while there was a very active market with enormous transactions and wide fluctuations, there was not the feverish activity and overwhelming volume of business

that had marked the earlier months of the discovery.

Soon after the reopening of the Bank of California the great fire of '75 occurred in Virginia City, which seemed to many a more alarming and ruinous calamity than the failure of the bank. Marye did not lose his office building, as has been said before, but his handsome and comfortable residence on B street, which he had just finished and moved into, was practically destroyed and he suffered much personal inconvenience. The work of rebuilding began at once but during the months following the fire the enforced changes and the physical strain told on Marye, and in the spring of '76 he had a severe attack of illness. The illness was serious and even dangerous, but a good constitution and good nursing enabled him after some weeks to reach convalescence and in order to regain his health completely he determined to give himself a period of rest and recreation and to pass some

months in travel. He left his Virginia City office in the competent hands of his nephew, Orrick Walton Marye and an efficient staff of clerks, and went east to attend the Centennial Exposition in Philadelphia and to visit friends and relatives in Baltimore and Virginia. He enjoyed the trip and was immensely benefited by it and in the early autumn he returned to San Francisco and Virginia City fully restored to health. He needed his health and vigor for he found on his return that the market in Comstock shares had reached a phase which required from one in his extensive business, vigilance, foresight and firmness. Values had began to sag and there was no durable reaction, no lasting recovery to those prices that Marye had been accustomed to when he went away. The whole market showed evidence of a steady and permanent decline, and in the spring of '77 the situation was recognized as very serious. It certainly was very disquieting to one who, like Marye, had many hundreds of

thousands of dollars loaned out on securities the value of which seemed to be fading into thin air. Many conferences were held among those principally interested in the Comstock mines and it was endeavored to reach a concerted plan to sustain values and prevent a further unreasonable decline. The only practicable thing to do was to publish an accurate description of the work in the mines and to show that their condition was the same as when all stocks were selling at much higher prices. At the same time it had to be realized that during the period of great excitement which had previously prevailed stocks had soared beyond all reason and prices could not go back to the figures they had reached before. The period of rapid shrinkage came to an end and there was a marked recovery but the reaction did not carry the market back to what it had been, either in the volume of business or in the matter of values. The heyday of the Great Bonanza market was a thing of the past, the

period in the life of Virginia City, without precedent or parallel, was passing into history. During the remainder of '77 and for the first half of '78 there was still a very fair degree of interest shown in the mines and there were many and quite considerable fluctuations in values, but the trend of prices was downward. But the old Lode which had already furnished so many surprises was soon to furnish yet another which would renew the declining values of its mines and revive the drooping spirits of its votaries.

In the summer of 1878 developments in the Sierra Nevada mine began to attract general and widespread attention. It had long been believed by some of the most experienced miners on the Lode that in the northerly part of the mine there was an ore-body which could readily be reached and which was awaiting only to be uncovered. Among others who entertained that belief was R. W. Chase, who with James G. Fair, was accounted one of the two best informed miners

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about Comstock conditions of all the expert miners in Virginia City and Gold Hill. But the rumors which were now attracting attention and creating an old time revival of interest in the Comstock had nothing to do with the northerly part of the mine or any supposed ore-body that might be awaiting development there. They related to an important discovery which it was said had been made in the southerly part of the mine, very near the dividing line between it and the Union mine, its neighbor on the south.

Sierra Nevada had always been and was at this time under independent control, that is, it was not controlled by the Bonanza people, Flood and Mackay and Fair, or by the Bank crowd, Sharon and his friends of the Bank of California. It was under the control of John Skae, or as he was more familiarly known to his friends and associates in Virginia City and San Francisco, Johnnie Skae. He was a Canadian by birth but had resided in the earlier days of the Com-

stock for a long time in Virginia City, where he had amassed quite a fortune, and he was now living in San Francisco in a handsome residence on Van Ness Avenue, which will be remembered by those who were familiar with that beautiful avenue before the fire. Originally associated with him in the control was William Thornburgh, who had resided in Virginia City at the same time as Skae, and whose beautiful wife was, with Mrs. Wm. M. Stewart, one of the two leaders in the active social life of the place in the earlier days. Thornburgh was afterwards a member of the wealthy but short-lived firm of stockbrokers, Cheesman, Head & Thornburgh, and not long after the dissolution of that firm he died, leaving a considerable estate to his widow and included in it quite a block of Sierra Nevada stock. His widow, who, after they left Virginia City, had passed much of her time in the capitals of western Europe, soon after his death returned again to Europe

and spent there the bulk of the fortune she had inherited from her husband, and when the great advance came in the value of Sierra Nevada stock she was disappointed to find she had none of it left. Having part in the control of the mine when the great market came was William S. Lyle, Billy Lyle, one of the most popular and active operators on the street. He had made a large fortune in dealing in the shares of the great bonanza mines, Consolidated Virginia and California, and he had invested a good part of his profits in the purchase of stock in the Sierra Nevada mine, perhaps in the same belief as R. W. Chase, that there was a large ore-body awaiting development in the northerly part of the claim. In any event, when the great movement in the market came he held a large block of the stock. There were others who had considerable stock holdings in the company and who were associated with Skae in the management of the mine, but they were not prominently

identified in the public mind with the control of the property, and it is believed they soon dropped out when the stock became active and the center of attraction in the market. They all made money of course on their early holdings, but it is likely they went in again when the stock had reached higher figures, and they were not then perhaps so successful.

The development near the Union line gave excellent indications, and after the 4th of July, in the summer of 1878, Sierra Nevada stock began to soar. Those who were carrying shares in the mine on the faith of an ore deposit in the northerly part were at first quite mystified and did not know what to make of the situation. They were disposed to think that the alleged discovery in the south was intended to conceal more important developments in the north, but nothing occurred to encourage or to warrant that belief, and the possibilities in the north were soon lost sight of in the eager speculation

as to the nature and dimensions of what had been actually found near the south line. It is not often in mining or in any other business that mistakes lead to profitable results, but those who followed the will-o'-the-wisp of the north end and bought the stock when it was low had the opportunity of making large profits. Some took advantage of the opportunity and among them Henry Williams, a prominent member of the Stock Exchange, who had bought a large block of the stock on the faith of what was supposed to lie in the north end. He was a very practical operator and when the stock, on what was developed near the Union line, went higher than he had perhaps ever expected it to go on what might be uncovered in the north end, he sold his stock and realized a large fortune. His was the first large fortune actually realized in the Sierra Nevada market.

The excellent indications in the mine continued and naturally gave rise to high hopes

that they would lead to a development which would rival some of its great predecessors, but while the indications were good the expected development was persistently elusive, and gradually the feeling of confident expectation began to give way to one of pronounced disappointment. Besides, the ore-body, as far as any had been shown to exist, seemed to be pitching beyond the line between the two mines from Sierra Nevada south into Union ground, and so one fateful Saturday the shares of Sierra Nevada, which had reached high figures broke sharply and abruptly, and it seemed as if the public had lost both confidence and interest in the mine's prospects.

The consternation was great among the large shareholders who had control of the mine, who believed in it, and who thought they were about to have the management of a property which would perhaps equal in richness and importance those which had already contributed most to the

worldwide fame of the Comstock, and they at once set about to do something to revive faith and confidence in the immediate prospects of the company. There was a place in the mine near the incline where the ore seemed particularly good; it was not a place where, in the usual course of work, ore would be stoped or explorations made, but it was determined to open it up and see what there was in it. And on the Sunday following the Saturday of the break, an excavation was made which afterwards became famous under the name of the "Coyote Hole." The ore where they ran the excavation, which was right under the incline, proved of extraordinary richness, and on Monday when the Stock Exchange opened in San Francisco, the shares which had declined so rapidly on Saturday at once recovered and went away above any figure they had reached before.

Confidence thus restored, the shares of the mine became extremely active on a steadily ris-

ing market, and though it was increasingly clear that the ore ran south into Union ground, that fact caused no discouragement to Sierra Nevada stockholders, but was merely looked upon by them as an added proof of the great extent of the deposit. There was an idea on the part of some that what had been found already in Sierra Nevada might be connected in some way with what was supposed to exist in the northerly part of the mine, an idea rejected by all conservative and practical observers on account of the great distance between the two. But it was the general belief that the main bulk of the deposit in process of development would lie in Sierra Nevada. That belief itself furnishes another of the many examples of the uncertainties of mining, for the ore-body which caused so much excitement and which ultimately proved so disappointing, yielded more from Union than from Sierra Nevada ground. Sierra Nevada always led in the market, however, and was the

main center of interest and attraction. The highest figure reached by the stock of the Union was $182 a share when Sierra Nevada was selling at rather more than $300. And when Union was selling at the figure just mentioned an interesting incident occurred which is again a striking instance of the changeable nature of every mining situation. It must have been a miner who first said "it it the unexpected that happens."

When Union was selling at that figure, which was the highest it ever reached in the open market, James G. Fair went into the mine to inspect it with its president, Robert Sherwood. Now, as has been said perhaps more than once in speaking of Virginia City and its people, there was no better miner on the Comstock, nor any one better acquainted with mining conditions there or with all the features of the Lode than James G. Fair. He and Sherwood went together for their inspection into the drift in Union near the Sierra Nevada line and Fair, after a prolonged and

most thorough examination of all the indications and appearances in the mine at that time, said to Sherwood:

"Sherwood, you have 5000 shares of Union, haven't you? Now, I'll tell you what I'll do with you. I'll give you $200 a share for your lot. The stock is selling at a little above 180 and I will give you $200 a share cash for your 5000 shares if you want to sell."

Sherwood was quite taken aback, for he had not expected any such offer and he answered, "Well, I'll let you know. I don't feel that I want to sell my stock."

"The offer is not a continuing one," returned Fair, "but if you want to sell I'll give you $200 a share for your stock. That's a million dollars and I will give you a check for the money right away if you want to sell."

Sherwood after hesitating a moment said, "All right, I'll take it," and immediately after leaving the mine the transaction was consummated.

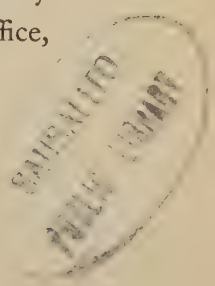
On parting with Sherwood, Fair stopped in at Marye's office and told him of his purchase possibly in the idea of strengthening the stock by making known what he had done, possibly with some other purpose in mind. Marye only shook his head and remarked that he thought he could have got the stock in for him cheaper.

On that occasion Fair was carried away by the impulsive enthusiasm caused by what he saw at the moment. Probably, if he had gone into the mine a minute sooner or a minute later he would not have been impressed in the way he was and appearances would not have been so misleading to his experienced judgment. The stock never went any higher, never reached in the open market the price he had paid for it, on the contrary, it soon began steadily to decline and he had to get out of what he had bought as best he could. With Sherwood it was widely different, if it had not been for Fair's tempting offer it is probable he would have kept his stock

until the break came and would have lost his market. The transaction was a rare piece of luck for him.

The incident just related records in some sort the high-water mark of the Sierra Nevada-Union market. It did, indeed, for some time longer continue firm and active but it was no longer a growing market. There were many and considerable fluctuations, but the upward and downward trend about offset one another, and to the knowing ones, to the keen observers, signs became perceptible and began to multiply that the deposit in the two mines was not opening up in a manner to meet anticipations. It had been known for a long time that the Schmitt brothers, Maurice and Joe, were carrying a large lot of Sierra Nevada for themselves and Maurice Hoefflich; they had bought the stock for the trio and Hoefflich had inside information which he was turning in for the common benefit. One of the brothers, Maurice, was very friendly with

George I. Ives, who was one of the brokers for Geo. T. Marye & Son, and who frequently executed very large orders for the house. When Sierra Nevada had for some time been showing unmistakable signs of weakness it was noticed that Ives was selling large blocks of the stock. It was commonly supposed on the floor of the Exchange and on the street that the sales were on orders from Marye's office, but of course those connected with that office knew just what fraction of Ives' sales were on their account and they shrewdly and correctly surmised that the Schmitts and Hoefflich were using Ives as a blind to sell their Sierra Nevada. No mention of the matter was made to Ives but he was closely observed and the sales were looked upon in Marye's office as a valuable indication of what was ahead, for Hoefflich was known to have good information. That and other premonitory symptoms of an impending change were freely though very quietly discussed in Marye's office,



and the clients of the house were encouraged to ease up on their holdings. Never was caution more needed for the apprehensions were well founded and the stock market was on the eve of a break such as never had been witnessed before. Throughout the week before the break occurred it seemed to be in the air that there was trouble brewing, though as yet there was no violent change. On the Saturday of that week Sierra Nevada closed at 260. The market was dull and heavy, but it was not panicky. Between then and the opening session of the Board on Monday morning a tremendous change took place. All stocks were decidedly weak on the call and opened at a marked decline from previous prices, but when Sierra Nevada was reached it seemed indeed as if "the bottom had dropped out." The stock was at once offered at forty dollars less than the previous closing figure, then at forty dollars less again and then at successive declines of twenty dollars. The first sale was made at a

hundred and forty and then on down, each successive sale being made at a lower figure, until it closed at eighty. It was a trying time and those who were a part of it and who lived through it will never forget it. Upon those in the Board fell the heat and the burden of the abrupt and violent shifting and readjustment of values, their clients who were not in the Board, but upon whom fell the main losses through the shrinkage, felt the stress and strain in no less degree though not in so many ways.

The market never recovered but continued steadily to decline, for the ore deposit which had excited so many hopes yielded less than four million dollars, of which nearly three-quarters came from Union ground. Sierra Nevada and Union, with what was found in them, stand out as the great disappointment of the Comstock, as Belcher and Crown Point and Consolidated Virginia and California with their fabulous yields remain its unrivalled glories.

This was the last great market in which Marye took an active part. A year or so after the decline in Sierra Nevada and Union he turned over the management of his Virginia City office to his nephew Orrick Walton Marye in the same way as he had some time before placed his son in charge of the San Francisco house, and turned much of his attention to other pursuits.

CHAPTER V

Biographical

George Thomas Marye was born in Page County, in the State of Virginia, on the twenty-seventh day of November, 1817. His father, William Staige Marye, was born in Culpeper County, but at an early age crossed the Blue Ridge Mountains and settled in the Shenandoah Valley in that part of Shenandoah County which afterwards, through his efforts while a member of the House of Burgesses of the State, was segregated from the rest and made into a separate political subdivision, to which was given the name of Page County, after the governor of the State at that time. He also founded and laid out the town of Luray to be the county seat of the new county, and resided in the immediate neigh-

borhood on his plantation known as the Hillside Farm, where he gave himself up to the cultivation of his land and to literary pursuits, and where George Thomas Marye and most of his other children, of whom he had fifteen, were born.

The family of the Maryes is of French Huguenot descent, and has been long established in Virginia. The first to come to this country was James Marye, who was driven from France by the Revocation of the Edict of Nantes. A very interesting account of the adventures, the hardships and dangers experienced by him and some of his co-religionists in making their escape from their native country is told in a story called the "Huguenots' Sword," published in the April number of *Harper's Magazine* in 1857. James Marye and some other Huguenot refugees, who had been fortunate enough to reach London, were given by the English Crown a grant of lands on the James River in the Plantations of

Virginia. They settled at a place called Monacan, but James Marye did not stay there long; he left the James and went north to the Rappahannock River, where he acquired a tract of land on which the town of Fredericksburg was founded in 1729. On the hill overlooking Fredericksburg, since known as Marye Heights, his son built a house which was long the home of the Marye family, and which became very famous during the War of Secession through the sanguinary engagements fought there when the Federal forces under General Burnside endeavored to capture Fredericksburg in their forward march on the Confederate capital at Richmond. Some time before the war of independence against the mother country, one of the family, Peter Marye, left Fredericksburg and settled in Culpeper, where he married Miss Eleanor Green, of the well known family of that name in Culpeper County. He built the first toll road over the Blue Ridge Mountains into the Shenandoah

Valley, where his son William Staige Marye afterwards lived.

George Thomas Marye attended school in Luray until the age of fourteen or fifteen, and then entered the employment of Thomas Allmand and Company, who did a general merchandise business at that place. He gained some experience while he was employed there, but he was not content to remain in Luray, and after a couple of years went to Baltimore. There he was employed by Robert Hart and Company, and in a few years worked his way up from a subordinate position to be chief clerk in that important wholesale drygoods house.

In August, 1838, at the age of twenty-one, he married in Baltimore Helen Tucker, the daughter of William Augustus Tucker, president of the Baltimore Fire Insurance Company, and one of the foremost business men of Baltimore at that time. After his marriage, Marye set up in business for himself as an importer and wholesale drygoods

merchant, and for a number of years did a large business with the south and southwest.

In 1849, the story of Marshall's discovery of gold in the far-off territory of California had spread from the distant shores of the Pacific to the Atlantic states, and the eyes of ambitious and adventurous men were beginning to be turned with ardent and longing glances towards the new El Dorado. Marye was one of the earliest to feel the attraction, and he set out for California by way of the Isthmus in the spring of 1849, and after an anxious and trying trip, arrived in San Francisco on board the steamer *Panama*, in the month of August of that eventful year. He was then thirty-one years of age, in the full vigor of early manhood, and he at once set himself to work in the development of San Francisco, and of the state. He constructed wharves and buildings, and took a wide interest in land values and transactions.

In 1855 he made a trip to the Atlantic states

on business, and to visit his family. He returned after a short absence, and in 1859, after ten years of strenuous life in California, he again went East. On that occasion he made a trip to Europe with his family, except his eldest son, who was at that time a cadet at the military academy at West Point. After traveling for some months in western Europe, he left his wife there with his two younger children for the purpose of their education, and returned to San Francisco. In 1863 he went again to Europe and spent some time in travel, accompanied by his wife and daughter. He returned with them to America in 1864, leaving his younger son at the University of Cambridge, in England. In 1869 he went to Virginia City, Nevada, where his life was as active and almost as strenuous as it had been in the early days of California. In the two great fires in Virginia City, the first in November, 1871, and the second in October, 1875, he suffered considerable pecuniary loss and more

personal inconvenience and discomfort, but his early experiences in San Francisco had accustomed him somewhat to such untoward occurrences and he fought his way through it all without permanent loss of health or business, and with such despatch as was possible, installed himself again in his office on C Street, and in his commodious dwelling on B Street.

In 1875 he opened an office in San Francisco in connection with the business in Virginia City, and from that time until his death on January 24, 1883, he devoted his time and attention to the two offices.

His wife survived him. He had a daughter and two sons. His daughter married Lt. Col. Joseph C. Baily, and died before her father. The elder son was the first cadet appointed from California to graduate from the military academy. He was appointed to West Point by General Denver, after whom Denver in Colorado was afterwards named, and served with distinction in the

ordnance department of the army until he was retired with the rank of general in 1902. The younger son was American ambassador to the Imperial Russian Court during the World War, and was decorated by the Emperor with the Order of St. Alexander Nevsky. He and Count Benckendorff, the Russian Ambassador to the Court of St. James, were the last two on whom that great Order was conferred.

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ERRATA

Page 38, line 18: "Wharf buildings" should be "wharf building".

Page 43, line 14: ";" (semicolon) after words "November 4, 1852" should not be there.

Page 67, line 11: Misprint in word "organization".

Page 88, line 8: "1964" should be "1864".

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